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UNIFORM CRIME REPORTING

A COMPLETE MANUAL
FOR POLICE

REVISED

COMMITTEE ON UNIFORM CRIME RECORDS
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
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FOREWORD

The urgent need for national crime statistics in the United States is so well recognized as to require no debate. Criminal justice administrators and others engaged in the prevention and suppression of crime have for many years expressed regret upon the absence of reliable information concerning crime and criminals. This treatise on Uniform Crime Reporting therefore avoids extensive discussion on this phase of the subject and turns instead to the task of setting forth the means by which the essential facts can be obtained. To this end it provides a complete work program and manual for the guidance of police departments and of state and national statistical agencies. Although the principles underlying crime statistics have been examined with care, practical aspects have also been accorded the consideration which they seemed to require. Only in this way could the problem be removed from the sphere of fruitless discussion and placed where immediate and tangible results will be possible.

It may contribute somewhat to an understanding of the realities of the subject, if the true and necessary relation between criminal statistics and the police is clearly set forth. Compilations of the number of persons tried, convicted and imprisoned do not, and cannot, provide an index of crime and criminality. Only a police record of known offenses will do this. Likewise, the police alone know the number and nature of persons apprehended for committing offenses. Thus at the start we are compelled to recognize that crime statistics must originate with the police and that without police support there can be no crime statistics. To launch upon a project directed towards that end without consulting police needs and capacities, is utterly futile. This has been repeatedly demonstrated.

It is fortunate, therefore, that the present undertaking has been conducted under police auspices, and that many additional

viewpoints have been so ably represented. When Commissioner William P. Rutledge originated the plan at the 1927 convention of the International Association of Chiefs of Police, a long initial step was taken towards a successful conclusion; when the advisory committee was created, under the aggressive and far-sighted leadership of Dr. Lent D. Upson, it evoked the critical assistance of outstanding criminologists, public officials, and experts in governmental administration; and when the Laura Spelman Rockefeller Memorial made its unsolicited offer to finance the work, a thorough and unhurried study of the subject was assured.

The present volume undertakes to consider all phases of police records and statistics in so far as these are related to national and state crime reporting. Special attention is directed to Chapter II, which contains the manual for compiling crime returns. This manual represents the primary purpose of the Committee's work, and all other subjects here treated, such as the offense schedules of the Uniform Classification (Chapter V), police records systems (Chapter III), and comments on the functioning of the national clearing house for crime statistics (Chapter IV), are supplementary to it.

In order that the plans and purposes of the Committee might be thoroughly understood by all interested parties, its program and tentative conclusions have been published from time to time during the past two years, as follows:

(1) Tentative Program (March, 1928)
(2) What About Crime Records? (April, 1928)
(3) A Uniform Classification of Major Offenses—Tentative Draft (June, 1928)
(4) A Guide for Preparing Annual Police Reports—Tentative Draft (December, 1928)
(5) Uniform Crime Reporting—Tentative Draft (June, 1929)

Each and every one of these publications has elicited helpful criticisms from many sources, of which the Committee has freely

availed itself. First-hand examinations of the systems of criminal statistics maintained in Great Britain, France, Belgium, and Germany, and study of published materials from other foreign countries, have served to round out the Committee's view of the subject both in the United States and abroad. It follows that the present volume is the product of many minds and a summation of many points of view.

The system of Uniform Crime Reporting described here has been formally adopted by the International Association of Chiefs of Police, the Ohio and Michigan Police Chiefs Associations, the California State Bureau of Identification and Investigation, and many police departments.

Coincident with the appearance of this volume, the Committee will publish the revised edition of "A Guide for Preparing Annual Police Reports." The latter covers in brief compass the entire range of annual police reports, including the subjects here treated in detail. The ready acceptance and approval which police departments have accorded to it holds high promise for the early establishment of uniform crime statistics throughout the United States.

In conclusion, the Committee gratefully acknowledges the assistance and constructive criticism received from the following interested individuals, who have contributed freely in time and in effort: Mr. Sanford Bates, Superintendent of Federal Prisons, Washington, D. C.; Chief Philip T. Bell, President, International Association of Chiefs of Police; Dr. Franz Berthold, Berlin, Germany; Chief George Black, Wilmington, Delaware; Mr. Louis Brownlow, International City Managers' Association; Professor E. W. Burgess, University of Chicago; Mr. A. E. Buck, National Institute of Public Administration; Mr. E. R. Cass, President, American Prison Association; Mr. R. H. Coats, Dominion Statistician, Ottawa; Chief Constable Frederick J. Crawley, Newcastle-upon-Tyne, England; Chief James E. Davis, Los Angeles; Colonel J. d'E. Coke, C.M.G., C.V.O., H.M.L., Chief Constable, West Riding of Yorkshire; Mr. A. L. Dixon, C.B., C.B.E., Home Office, London; Mr. Frank S. Drown, Pennsylvania Bureau of

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Chief Jacob Graul of Cleveland and Commissioner James W. Higgins of Buffalo have been of invaluable assistance as members of the executive committee.

The courtesies extended by the staff of the Law School Library at Columbia University are deeply appreciated.

The Committee wishes to acknowledge its debt to the trustees of the National Institute of Public Administration who not only set aside other plans to make members of staff available, but also throughout the work placed office accommodations, library, and other facilities at its disposal, thus giving the Committee the benefit of continuous intimate association with the experience and counsel of a long established research organization.

Although the Laura Spelman Rockefeller Memorial was consolidated with the Rockefeller Foundation while this study was in progress, the Foundation has continued the financial support previously accorded by the Memorial. From the very outset, also, the staff of the Bureau of Social Hygiene has actively participated in many important features of the task. To these three affiliated organizations, which by their interest and generous financial support have made our work possible, and to the staff of the Committee, which by its loyal and expert service has translated possibility into reality, special acknowledgment is due.

New York City
November 20, 1929

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CHAPTER I

A SYSTEMATIC APPROACH TO CRIME STATISTICS

Sec. 1. At a convention of police executives held in the city of St. Louis, a resolution was adopted declaring it to be one of the purposes of the National Police Association "to procure and digest statistics for the use of police departments." [1] While the resolution has a familiar sound, and might easily have been presented last year or last month, it should be observed that this convention, the first of its kind in the United States, adjourned fifty-eight years ago.

The published proceedings of the convention show that this initial effort proved fruitless so far as American statistics were concerned. Responses to an inquiry yielded practically nothing from the several states, while France, Austria-Hungary, Sweden, Holland, Denmark, and Turkey submitted data which were considered of value.[2] And although the intervening decades have witnessed impressive developments in penal statistics, the field of crime and judicial statistics is still almost as barren as it appears to have been in 1871.

Yet throughout this long period police executives have expressed an unflagging interest in reliable compilations dealing with crime and criminals. Since the organization of the International Association of Chiefs of Police in 1894, there has been scarcely an annual convention at which discussion of criminal records and statistics has not found a prominent place. In 1927, the movement took definite form when Police Commissioner William P. Rutledge of Detroit proposed that the Asso-

[1] Official Proceedings of the National Police Convention, St. Louis, 1871; p. 30.
[2] Ibid., appendix.

ciation designate a Committee on Uniform Crime Records.[3] That the initiative in conducting further study of criminal statistics should thus have been taken by police executives was both natural and necessary. It was a natural development because all criminal statistics, whatever their scope and character, find their origin in police activity; in the investigation of crimes and the apprehension of offenders. It was a necessary development, because police represent the sole source of reliable information concerning the extent and distribution of criminal acts. In other words, police cooperation and support is absolutely essential to the success of any effort to collect these underlying facts concerning crime and criminals.

It must be conceded that many police departments are not yet equipped to render complete and accurate accountings of offenses committed and persons charged with their commission. Their failure to develop sound record systems or to make local adaptations from systems operating elsewhere, arises partly from the confusion which has surrounded the subject, and partly from lack of any definite goal at which to aim. It springs also from a profound distrust, frequently expressed, of the practical value of many statistical compilations. These police officers have had a first hand experience with the vagaries of criminal justice, and they are reluctant to accept statistical demonstrations of an increase or decrease in crime and police efficiency when measured by the number of arrests, convictions, or prisoners in penal institutions.

Crime a Charge Against the Community

Sec. 2. At this point another difficulty arises which partially explains the reluctance of some police forces to compile and publish reports showing the number of crimes committed. It is derived from the tendency to charge the crime rate *against the police* rather than *against the community,* and the temptation to draw from such statistics broad generalizations concerning the relative efficiency of various police forces.

By contrast, the prevailing attitude towards epidemic disease

[3] International Association of Chiefs of Police; Proceedings, 1927, p. 131.

might be cited. During the winter of 1928-1929, a large portion of the United States was visited by an epidemic of influenza. Its appearance in the west, and its progress towards the eastern seaboard, was announced by the weekly bulletins of the United States Public Health Service. The prevalence of the disease in various communities was measured by statistical tables. But we have yet to hear of any comparisons of the relative efficiency of local health departments, based upon such compilations. The whole subject was viewed as a social misfortune which required the fullest cooperation between the press, the public, and the health authorities. Crime likewise is a social misfortune, which requires a similar cooperation between public and private agencies if it is to be successfully combated and treated.

Out of our study of American and European conditions emerge two general conclusions on this subject: 1. Statistics showing the volume of crime, when unsupported by other data, do not provide a basis for comparisons of police efficiency. 2. Where such statistics have actually been collected, as in England, any disposition towards unjustified comparisons has long since disappeared.

Offenses Known to the Police

Sec. 3. Most American crime statistics, as well as many of the foreign systems, begin with the number of persons arrested. Such as these entirely ignore those basic records which, properly compiled, may be made to show the number and nature of criminal offenses committed. Even the most elaborate systems for collecting and tabulating arrests, judicial dispositions, and prisoners cannot do that. The latter have their important uses in showing (1) the social characteristics of persons who are arrested, prosecuted, convicted, or imprisoned, and (2) the manner in which the machinery of criminal justice actually functions. Lack of any constant relation between the number of arrests, convictions, and prisoners, on the one hand, and criminal acts on the other, must always prevent measurement of the extent of crime by any such changing standards. Frequent efforts to draw such comparisons and conclusions have yielded conflicting

results and done the cause of criminal statistics incalculable harm. A recurrence of such efforts can seemingly only be prevented by providing the underlying facts concerning the volume and incidence of criminal offenses.

The national system of criminal statistics here presented therefore takes the number of "offenses known to the police" as a point of departure. In this connection, Chapter II provides two types of returns to be compiled by the police and forwarded to a national bureau. One is a monthly return, the other, annual.

The monthly return (Figure 1) is intended merely to show the number of offenses committed in each jurisdiction, thus providing both police and public with reliable information concerning the current crime situation.

The annual return of offenses (Figure 2) shows not only the number of offenses, but also how many of them have been "cleared by arrest."

Since police practice with respect to these matters varies widely, and since some forces have no established procedure whatever for dealing with them, it has been necessary to set up certain uniform standards of reporting upon which such returns might be based. The more important of these standards are briefly described in the following paragraphs.

Uniform Classification of Offenses

Sec. 4. One of the major difficulties which has confronted all efforts towards national crime statistics has been the varying definitions of offenses contained in the state and territorial criminal codes. Murder, robbery, burglary, larceny, and the like, are mere catch-words which conceal important differences in definition as between one state and another. Careful analysis of criminal statutes, however, revealed the fact that these differences, though rather wide in certain cases, were not irreconcilable, and that the way to a uniform system of criminal statistics was not forever barred by them.

Two possible courses of approach to the problem were therefore presented. First, effort might be directed towards securing the adoption of uniform criminal laws in the various states

and territorial divisions, thus eventually giving the entire nation one single body of nomenclature and definitions on the subject. The second alternative presented the exacting and laborious task of analyzing these diverse systems of criminal law to the end that, by a process of exclusion and inclusion, existing differences might either be eliminated altogether, or their statistical effect minimized.

The latter course was selected, not because its method was inherently superior to that of statutory revision, but because it alone promised early results of a uniform character which would almost without exception extend throughout the land. Although experience in other fields of legislation has amply demonstrated how remote is the likelihood of any actual and extensive uniformity in state laws, it is hoped that all efforts directed towards uniform criminal laws may be stimulated by the inauguration of uniform crime statistics.

In order to minimize the effect of existing differences in the criminal laws of the states and territories, schedules have been developed for use in preparing returns of known offenses. These schedules prescribe in detail for each jurisdiction those offenses which are to be included or excluded from each class of the Uniform Classification. A complete account of the methods employed, the difficulties encountered, and the offense schedules themselves, will be found in Chapter V.

The Uniform Classification is based directly upon that employed by the Bureau of the Census in compiling statistics of prisoners. Although the latter has certain manifest weaknesses, such as its failure to recognize differences in statutory definitions, and has required adjustment to fit the practical needs of crime statistics, such difficulties have in large measure been met and solved. Special effort has been made to reconcile the Census Bureau classification with that here presented.

Attention has also been given to the practical limits of statistics of crimes committed. It will be readily understood that not all crimes are consistently reported to public authorities; that some remain concealed owing to the ignorance or indifference of the victims, and that others, such as motor vehicle vio-

lations, or possession of weapons, become the subject of crime reports only when an arrest is made. Since there is no constant ratio in which certain crimes are reported, a careful distinction has been drawn between those offenses which naturally and almost inevitably are reported to public agencies, and those which are less certain of becoming a matter of record. This basic distinction has already received some recognition in the criminal statistics of England and Wales, of Scotland, and of Ireland. The Uniform Classification therefore sets apart those grave offenses which experience has shown to be most generally and completely reported, and confines the returns of known offenses to this group. (See Sections 19 to 26, 33, and 34.)

Instructions for Scoring Offenses

Sec. 5. Another essential element in any system of crime accounting is a uniform method for determining the number of offenses to be counted and reported. In this connection it should be emphasized that we are dealing here with specific acts which are committed under widely varying circumstances. The number of offenders participating in a crime, or the number of victims, may have a very real and definite bearing upon the number of crimes reported. Likewise, burglaries committed against a number of apartments in a multi-family dwelling, or in a lodging house, hotel, or office building; or a combination of offenses committed at the same time and place, may be scored in different ways. Such questions have been variously treated by police departments, the vast majority having conflicting rules for dealing with them, or no rule whatever. A study of the practical aspects of this problem has produced a set of instructions for scoring "offenses known to the police" which should receive general approval. (Chapter II, Sections 37 to 40.)

Unfounded Cases

Sec. 6. Widely varying methods also prevail in the treatment given reports of offenses which are wholly unfounded or which may be incorrectly described by complaining citizens. In

recognition of this, certain rules founded upon sound police practice have been devised to govern such cases.

Clearance by Arrest

Sec. 7. Police administrators have frequently expressed dissatisfaction when comparisons have been made between the number of offenses reported and the number of arrests made for these offenses. They have pointed out that a single arrest may solve a dozen crimes or that a dozen arrests may solve but a single crime.

Accordingly, the annual return of offenses (Figure 2) employs the number of offenses which are "cleared by arrest," rather than the number of arrests, as an indication of the results obtained in the investigation of cases. These figures are supplemented by another return which shows persons charged and the number found guilty. Here, again, widely varying practices require uniform regulations, such as are described in Sections 68 to 84 of Chapter II.

Persons Charged by the Police

Sec. 8. The annual return of persons charged is primarily intended to show the mass results of police dealings with offenders (Figure 3), the number released by the police without charge or prosecution, the number charged (whether as the result of arrest, summons, notice, or citation), and the number found guilty.

In addition to these basic operations, returns may be secured for a great variety of social characteristics of those who are charged and prosecuted. Indeed there are so many facts which might be desired that their collection has constituted a serious problem. To include them at the outset, in addition to the returns already described, is a source of real danger. The rather novel nature of some of the rules which are laid down for police observance may be expected to cause difficulties in departments which are unaccustomed to precise regulation of this nature. Lest such additions might prove to be burdensome and perhaps cause the project to fall from its own weight, it is

deemed best to postpone the collection of supplementary facts. This will make it possible to build the system slowly and with care, testing each unit as it is added, and expanding the system only after the police have become thoroughly acquainted with it and are convinced of its practical value. The decision thus made is supported by the judgments of the European authorities who have been personally consulted.

Anticipating the time when these additional returns may be introduced to police departments, four supplementary return forms are offered as an indication of the way in which they may be prepared. These returns, with descriptive comment, are presented in Chapter IV (Figures 29, 30, 31, and 32). They deal with such matters as sex, age, color and nativity, country of birth, and the number of times the offender has previously been arrested.

Judicial Statistics

Sec. 9. Only after careful consideration has the disposition of persons charged been restricted in the above returns to a simple statement of the number found guilty. This much is necessary to determine the success enjoyed by police departments in securing the conviction of persons charged by them. To go further than this would invade the field of judicial statistics, which is a matter to be reported by the courts and not by the police. American police forces can never be held responsible for compiling judicial statistics, since the areas under the jurisdiction of a single police department may not coincide with, or comprise more than a small part of, the court jurisdiction. The judicial statistics which a few police departments now maintain are limited entirely to the disposition of persons arrested by them and are therefore not suitable for a national system. As pointed out early in this chapter judicial statistics deal mainly with the functioning of an administrative machine and are only collateral to the subject of crime statistics.

So while formal consideration of judicial statistics is thus barred from the present undertaking, attention should be called to the desirability of rounding out the field of criminal statistics

by adding this highly important phase. Until systematic methods have been devised for recording the work of judges, juries, prosecutors, and coroners, improvements in the administration of these offices will be materially handicapped just as police departments are today.

Rural Crime Reporting

Sec. 10. Although a national system of crime statistics will stand or fall according to the support received from urban police departments, it will not be complete unless returns are compiled for rural areas as well. So many divergent factors enter into rural crime reporting that this question is given separate treatment in Sections 87 to 92.

In cities the police are in a position to know what offenses are committed and the persons charged with them. Thus there is a single agency which can be charged with the preparation of crime returns. But the policing of rural areas is featured by divided responsibility. Town and village constables, marshals, county or state police, sheriffs, coroners, magistrates, justices of the peace, and other rural officials are accountable to no central authority. Returns prepared by each of these officials would unduly increase the number of reporting units and inject into the returns many duplications, as several independent agencies may record one and the same offense. A single agency must therefore endeavor to obtain the facts for the return and eliminate such duplications.

A state bureau of criminal statistics is of course the appropriate agency to collect reports from all of the above diverse police officials. Such a bureau can collect individual reports of crime directly from these officials and tabulate them in any way it sees fit.

In states which do not operate a state bureau the sheriff is at present best fitted to be the focal point of rural reporting. His jurisdiction covers an entire county which is a logical unit for rural returns. However, as rapidly as other police agencies supplant him in his criminal functions the compilation of the

returns should be charged to them. This applies particularly to the establishment of county police forces.

Crime Reporting in the Territories

Sec. 11. The inclusion of the United States territories in a system of crime reporting should not be a difficult task. Alaska, the Philippine Islands, Porto Rico, Hawaii, the Canal Zone, and the insular possessions are under far greater supervision of the federal government than the states. Indeed, Congress can make it compulsory for these places to forward returns to the Department of Justice—something it cannot force the states to do.

Although these territories have differing types of government and police organization, all with the exception of Alaska have police agencies which are more or less directly responsible to the territorial governor. These police units can be held accountable for preparing the same returns as provided for urban and rural police agencies within the states proper. Uniform Classification schedules have been developed for their use so that the returns will be comparable with those from the several states and the District of Columbia. Special instructions for each of the territories are given in Sections 93 to 99.

Reporting by Federal Police Agencies

Sec. 12. Police agencies within the states can hardly be *expected* to compile returns for the Department of Justice if federal police authorities are not *required* to do so. The scope of these agencies has steadily increased until now there are a dozen or more police units attached to the United States government. Among them are numbered the Bureau of Investigation in the Department of Justice, the United States Marshals, the Prohibition Bureau, the Division of Post Office Inspectors, the Secret Service Division in the Treasury Department, the Intelligence Divisions in the War and Navy Departments, and others. All are investigating offenses against the United States government. All are under the jurisdiction of the federal government and the compilation of returns can be made compulsory for them.

Few of the offenses under the surveillance of these agencies are such that the number reported or known would serve as a reliable index of the amount of such crime, as for example, violations of prohibition, narcotic, and customs laws. The returns for many of these agencies should therefore be limited to persons detected and charged by them. As a rule rather extensive reports of their operations are already required from these federal police units, so that the main task will be to present them in such form that they will harmonize with the other portions of the national system of crime reporting. (See Sections 141 to 145.)

Police Record Systems

Sec. 13. Uniform crime reporting by police departments does not require uniform record systems. In fact, the scope and nature of the record system is immaterial provided the items for the returns can be readily obtained from it. Furthermore, only a small part of a complete record system has any bearing upon our present problem. The records which have such a bearing and which will make it possible to prepare the returns are described in detail in Chapter III.

In so far as practicable, the returns have been devised to fit existing police records. As a result many police departments are already recording the facts required for the returns. To become a reporting unit, these departments need only adopt the appropriate classification schedule, the instructions for scoring offenses, and the other rules referred to above. Some departments, on the other hand, do not record all of the necessary data. They may not keep a complete list of all offenses known to the police; they may not show how many of these are unfounded, or how many are cleared by arrest. Often the records are limited to persons taken into custody and exclude persons brought into court by means of a summons or notice. These but illustrate some of the existing deficiencies which must be remedied before accurate police returns can be compiled by some police forces.

The records maintained by rural police agencies are incomplete almost without exception. It will therefore take greater effort

and a longer time before returns from rural areas will attain the same degree of reliability as those prepared by city police departments. A brief description of the records essential to the preparation of returns from rural districts is presented in Sections 87 to 92.

Department of Justice to Operate System

Sec. 14. There remains the question of collecting and publishing the returns. Under our federal system, the national government cannot compel local governments to report on their operations. It can, however, assume responsibility for conducting a voluntary undertaking and has done so successfully on many occasions. After carefully weighing all of the factors involved, the International Association of Chiefs of Police, by formal resolution adopted at its 1929 convention, decided to invite the National Division of Identification and Information in the Department of Justice, to set up and operate the system here presented. The reasons for this decision were as follows:

1. The division is already operating a national system of criminal identification to which police departments and other police officials throughout the nation are contributing. The receipt of instructions from the division and the forwarding of returns to it would merely extend an already existing relationship.

2. It has taken the division five years of unremitting effort to obtain full cooperation of the police in the forwarding of fingerprints. The division has now so won the respect and favor of the police, that the failure of a city to cooperate brings an immediate protest from neighboring cities. Such good will is essential if any cooperative enterprise to which the police are a party is to succeed.

3. The division is prepared through its large corps of field agents to render personal instruction and advice, both in preparing the returns and in revising police record systems wherever this may prove necessary. No other federal agency is equipped to furnish this important service.

4. The only other unit which might conceivably operate the

system is the Bureau of the Census. While the statistical techniques which this bureau controls are of a superior order, it lacks those intimate police contacts which the Department of Justice can provide and upon which the success of a national system for reporting offenses and offenders must ultimately depend. It is for similar reasons that morbidity statistics are collected and interpreted by the United States Public Health Service.

5. Criminal statistics in France, Belgium, Germany, Austria, and Italy are collected by the ministries of justice, and in England and Wales by the Home Office which exercises general police authority.

6. Since the police of this country may either grant or withhold crime returns, it is clear that without police cooperation there can be no crime statistics. The real problem with which we are here confronted is one of maintaing police cooperation. Lack of it has doomed all earlier efforts to failure.

The foregoing frank exposition of the practical considerations involved should be fully convincing that the Department of Justice is the only federal agency to which the task may be entrusted in full confidence that it will be performed with steadily increasing success. In order that statistics of offenses and offenders may be established on a permanent basis, legislative action by Congress is desirable. Since a bill is now pending which formally establishes the Division of Identification, it is proposed that the additional powers to receive and interpret criminal information be added to it. This will complete the original plan of the International Association of Chiefs of Police which contemplated a general clearing house for all information concerning crime, criminals, and police procedure that would receive the interest and cooperative support of police agencies.

Of interest in this connection is a statute passed by Congress in 1870.[4] This statute made it the duty of the attorney general to collect statistics of crime under the laws of the several states as well as of the United States. Due to lack of active support by police departments and failure to develop a simple and uniform method of collection, the project was regretfully aban-

[4] Second Session of the Forty-first Congress; Act of June 22, 1870, Sec. 12.

doned. So while the present undertaking merely provides the means for carrying out the original purpose of Congress, it will be observed that the causes of earlier failure have been eliminated.

State Bureaus and Crime Reporting

Sec. 15. If crime statistics are ever to be complete for the entire nation, or even for a single state, the state governments must lend a hand. They alone possess the necessary power to enact statutes requiring the submission of uniform crime reports. The collection of criminal statistics on a state-wide basis may be made to include every urban and rural community, including those cities which will voluntarily submit returns to the Department of Justice. If the states all follow one uniform plan, the Department of Justice can then lift bodily the appropriate parts of the state compilations.

This proposal has an immediate application. The Division of Identification, Records and Statistics in the New York State Department of Correction during the past year has been obtaining police and judicial returns from every urban and rural community within the state. California has recently taken similar action. Under these circumstances, it seems reasonable to suppose that the necessary adjustments will be made which will bring state and national systems into conformity, the one with the other. Under this arrangement, entire states like New York and California would then becoming reporting units, while still retaining for their own use those additional features required by local conditions or statutory enactment. California, in fact, has anticipated the establishment of the national system here described by adopting it for use in that state.

Twenty-two other states already operate bureaus of identification: viz., Arizona, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Utah, Vermont, and Washington. These bureaus have a functioning organization and an

established technique which would simplify the added task of obtaining crime returns from all communities within the state. To a varying extent, all are now collecting facts about crime and criminals. Indeed, the statutes establishing many of them now contain ample provision for collecting crime statistics. The bureaus whose provisions are not now sufficiently broad need but secure amendment of their statutes by enlarging the scope of duties already imposed.

The following provisions are considered essential for any legislative act designed to collect statistics of crime and criminals on a state-wide basis. They do not pretend to outline the requirements of a model bill for a state bureau of criminal identification to which the collection of crime statistics may properly be assigned. However, they do serve as a model for those provisions, within such an act, which are concerned with the collection of statistics. The terms of this act are purposely of a general nature. It would be difficult to revise or extend the system of uniform crime reporting if the materials to be collected were cited in detail.

Clause 1. The [director of the state bureau of criminal identification and statistics] shall collect information concerning the number and nature of offenses known to have been committed in this state, of the legal steps taken in connection therewith from the inception of the complaint to the final discharge of the defendant, and such other information as may be useful in the study of crime and the administration of justice; this information to comprise only such crimes, legal steps, and information as the [director of the bureau] may designate. The information so collected shall include such data as may be required by the United States Department of Justice at Washington under its national system of crime reporting.

Clause 2. It shall be the duty of every police department, sheriff, constable, or other police agency; of clerks, justices, or other appropriate official for all criminal courts; of prosecuting, probation, and parole officers; of every head of a department, bureau or institution, state, county, and local, which deals with criminals; or of any other person who by reason of his office is qualified to furnish the data required, to render to the [director] the information required in conformity with Clause 1, above. Provided that where the county sheriff or other rural officer is designated by the [director] as the person to whom the information is to be reported, it shall be the duty of the appropriate officials to report such information to him. The county

officer so designated shall compile this information in such manner as the [director] may determine and forward a consolidated report to the [director].

Clause 3. It shall be the duty of the [director] to provide all reporting officials with forms, postage, envelopes, and instructions which specify in detail the nature of the information required, the time it is to be forwarded, the method of classifying, and such other matters as shall facilitate its collection and compilation.

Clause 4. Annually, and at such other times as he may determine, the [director] shall prepare and publish reports and releases containing the information gathered through the provisions of this act. In so far as possible, these reports and releases shall present an accurate picture of the crime situation in this state and of the operation of the agencies of justice in connection therewith, employing for this purpose such tables, graphs, diagrams, and comment as may be appropriate. The [director] shall point out what he considers to be the pertinent factors with regard to the enforcement of criminal law and recommend such measures as he may deem helpful and constructive with reference thereto. Upon request or upon his own initiative the [director] shall advise reporting officials, or other appropriate persons, concerning any information included in the foregoing provisions. The [director] shall forward to the United States Department of Justice the data required by that department as specified in Clause 1.

Clause 5. Every person who has custody or charge of public records or documents from which information sought in respect to this act can be obtained shall grant to any person deputed by the [director] access thereto for obtaining such information.

Clause 6. Any official who shall refuse or neglect to comply with the provisions of this act, and any official or person who shall wilfully make a false statement in any report required under the provisions of this act, shall be guilty of a misdemeanor.

The Meaning of National Crime Statistics

Sec. 16. In conclusion, it should be stated that the present task has not been undertaken from any desire merely to add to the growing list of statistical year books. The aim throughout has been to confine the police returns to those matters which are essential to the police executive, the legislator, the sociologist, and the public generally. Lack of such essential data has made scientific police management extremely difficult. As stated by our chairman, Commissioner Rutledge, in presenting the resolution which led to the appointment of this Committee, "We are in the absurd position of endeavoring to diagnose and cure

a social disease with little knowledge of its causes, its nature, and its prevalence." [5]

For the general public, also, such compilations will have a substantial value. The ever-increasing attention devoted by the daily and periodical press to crime topics has resulted in an ill-defined yet wide-spread feeling of uncertainty in a belief that one is not secure in his life and his goods, that the police have failed in their task of protection, and that all forms of crime are steadily mounting.

In the absence of data on the subject, irresponsible parties have often manufactured so-called "crime waves" out of whole cloth, to the discredit of police departments and the confusion of the public concerning effective measures for reducing the volume of crime. It is true that during recent years there appears to have been an unusual increase in certain types of offenses, such as hold-up and auto theft, the magnitude of which could not be recognized until the agencies of criminal justice had been overwhelmed by the task of combating them. Those in close touch with the situation have recognized what was going on. Their practical experience has convinced them that in certain cases substantial additions to the man power of police forces, or extensive administrative reforms, were necessary. Often, however, the lack of authentic and comparable records of the extent and incidence of crime has made it impossible to demonstrate what substantial changes should be adopted for improvement in the administration of criminal justice.

It is towards this general goal that the efforts of the Committee on Uniform Crime Records have been directed. Its work has been initiated by police authorities and conducted under police auspices. In consequence, there is large promise of constructive achievement, because of all the public and private agencies concerned with the administration of justice, the police alone are in a position to report extensively upon the volume of criminal acts, and the great mass of offenders. Moreover, the police have the greatest stake in the game. They have the most to lose from a continuance of our present ignorance of actual

[5] Proceedings, International Association of Chiefs of Police, 1927; p. 132.

conditions, and the most to gain from its correction. Under these favoring circumstances, this report is submitted in the confident belief that a sound basis for criminal statistics in the United States is about to be laid. With the continuing support of police authorities, that purpose cannot fail of realization.

CHAPTER II

MANUAL FOR COMPILING CRIME RETURNS

Sec. 17. The collection of crime statistics on a national scale is wholly dependent upon obtaining crime returns which have been prepared in a uniform manner. To obtain this uniformity, a number of return forms are here presented (Figures 1, 2, and 3), together with complete instructions for compiling and classifying the entries to be made on them.

Responsibility for uniform and accurate returns rests squarely upon the police. In urban areas police departments alone are in a position to know what crimes are committed, the results of investigations, and facts concerning persons charged with these crimes. No other public or private agency has this information, except in a most fragmentary way. In rural areas having no central police agency, the returns can best be prepared by the county sheriff.[1] The United States territories require a combination of both urban and rural procedure.[2]

These three returns (Figures 1, 2, and 3) are very simple and should cause police authorities no difficulty. They are based upon what the police record system ordinarily furnishes in its control over criminal investigations and apprehensions. Moreover, police needs and capacities have been the constant guide in determining both the scope of the returns and the instructions by which they are prepared. Only facts which have a practical value for the police in contending with crime are included.

The National Division of Identification and Information, which is a subdivision of the Bureau of Investigation in the De-

[1] Special instructions for compiling returns in rural areas are given in Sections 89 to 92. Sections 17 to 52 also apply to reports in rural areas.

[2] Special instructions for compiling the returns in the territories of the United States are provided in Sections 93 to 99.

partment of Justice at Washington, will collect and compile these returns. The Department of Justice will furnish blank return forms, tally sheets, and instructions for their use. The department is also prepared to advise local police departments, sheriffs, and other police officials, and state bureaus of identification and statistics, in adjusting their records to fit the returns, in compiling local statistics of crime, and in other related matters. This is in addition to the identification services which the Department of Justice is already furnishing.

If those states which are collecting crime statistics on a statewide basis will obtain and classify the information required by the Department of Justice returns, police departments need only forward returns to the state bureau or agency. The Department of Justice will then employ the results of the returns made to the state bureaus.

Sec. 18. The information to be compiled under this system of crime reporting is of two kinds:

1. *Offenses Known to the Police:* This is concerned with the nature and volume of crime and the results obtained by investigation.

2. *Persons Charged by the Police:* This relates to persons charged with having committed an offense—their number, the nature of charges, and the convictions obtained. These two types of information are now discussed in detail.

Offenses Known to the Police

Sec. 19. The purpose in collecting facts concerning "offenses known to the police" (Figures 1 and 2) is to disclose facts hitherto unknown such as:

1. How much crime there is
2. Its geographical distribution
3. Whether it is on the increase or decrease
4. How it varies for different types of offenses
5. The success obtained by the police in its investigation.

Sec. 20. The inclusive term "offenses known to the police" has been adopted from foreign practice and given preference

over the more commonly employed term, "complaints." The latter term is used in some jurisdictions to describe certain proceedings before a magistrate. It also has a rather narrow and special meaning when applied to offenses reported by private citizens (Section 22).

Sec. 21. "Offenses known to the police" must therefore include all crimes (federal offenses excepted) occurring within the police jurisdiction in so far as they can be discovered, whether they are brought to the attention of the police by means of:

1. Citizens' complaints
2. Reports of police officers
3. As the result of "on view" ("pick-up") arrests
4. Offenses coming to the attention of the prosecutor, sheriff, judge, and other officials
5. Or otherwise.

Citizens' Complaints

Sec. 22. "Citizens' complaints" are reports made to the police by private citizens stating that a crime has been committed. In some of the police departments which maintain a "citizens' complaint register," such complaints alone are used as an index of crime. This method is unreliable, because some offenses come to the knowledge of the police from other sources.

Reports of Police Officers

Sec. 23. Offenses observed by police on duty, or reported directly to them, should also be included. If no arrests are made on the spot, the department is unlikely to know of such offenses unless the police report them and the offenses are duly entered on the proper record.

On View Arrests

Sec. 24. "On view" arrests, called "pick-up" or "original" arrests by some departments, are those arrests made at the time the offense is committed, and for which no complaint or report has been previously made—for example, a thief caught in the

act of shoplifting, or an automobile manslaughter in which the offender is immediately taken into custody.

Offenses Coming to the Attention of Other Officials

Sec. 25. In some cities, offenses are occasionally reported to the prosecuting attorney, sheriff, judge, county police or detectives, coroner, state police, or other officials and may never come to the attention of the police department. Applications may be made for warrants without the police being informed of the offense. In so far as possible, these should be included in the returns of "offenses known to the police."

Returns Restricted to Commonly Reported Offenses

Sec. 26. Many offenses are purposely concealed and therefore cannot be known to the police, no matter how much effort might be exerted in uncovering them. There are a number of reasons for this concealment:

1. The offense may be known only to the person committing it.
2. Relatives or friends of the offender may not report it.
3. Fear of annoyance or publicity prevents others from reporting.
4. Some people are too ignorant or indifferent to report.

The extent to which offenses are concealed varies considerably. It is very marked for carrying concealed weapons, forgeries, embezzlements, sex offenses, etc. Statistics of such offenses are especially incomplete and hence unreliable as measures of the prevalence of crime. On the other hand, felonious homicides, aggravated assaults, robberies, burglaries, and major larcenies are generally known and reported. These offenses may serve as a reliable index of the extent, nature, and fluctuation of crime. The returns of offenses (Figures 1 and 2) include only such as these and are referred to hereafter as "offenses known to the police." The specific offenses included under this term are described below in Sections 33, 34, and 225.

Persons Charged by the Police

Sec. 27. The facts concerning persons charged by the police (Figure 3) are intended to show:

1. How many persons are charged with crimes and turned over to the courts for prosecution
2. Whether such persons are prosecuted as the result of an arrest or a police notice, citation, or court summons
3. The number of persons released by the police without prosecution
4. The number found guilty in the courts.

Sec. 28. The term "persons charged" is used throughout this manual to include all persons within the police jurisdiction against whom criminal charges are brought. These charges may be made after arrest, summons, or notice (citation).

Arrest

Sec. 29. By arrest is meant the taking of a person into custody in order that he may be held to answer for a public offense. Arrest must be carefully distinguished from a court summons and a police notice or citation.

Summons

Sec. 30. The summons is *an order issued by a court,* commanding a person to appear and answer for an offense. Its use and form is generally specified by statute. The types of offenses in which it can be used vary materially from state to state.

Notice or Citation

Sec. 31. A notice or citation is *a police order* commanding a person to appear in court or at a violation bureau to answer for an offense. It is not specified by statute and can be used as extensively as any department sees fit. A familiar example is the use of notice slips or tags in traffic cases.

The use of summonses, notices, and citations is showing rapid growth both in the United States and abroad. Indications point to their ultimate use by police departments for the majority of

offenders, as is now done with respect to the summons in Canada, England, Scotland, and other countries.

Distinctions in Returns

Sec. 32. The returns for "persons charged by the police" differ from the returns of "offenses known to the police" in the following respects:

1. "Persons charged" is concerned with *facts about persons;* "offenses known to the police" deals with criminal *acts.* These two kinds of facts are of an entirely different nature.

2. Both monthly and annual returns are compiled for offenses; only annual returns are compiled for persons charged.

3. All persons charged are included, no matter what offense is charged. On the other hand, the returns of offenses known to the police are limited to the more serious and generally reported offenses, designated here as "offenses known to the police" (Part I of the Uniform Classification).

4. Different rules apply to (1) what is considered one or more offenses, and (2) what is considered one or more persons charged (Sections 37 to 40, and 72).

The Uniform Classification of Offenses

Sec. 33. A uniform classification of offenses is essential to all police agencies in compiling returns for the Department of Justice. Without a classification devised to fit existing definitions of offenses in every jurisdiction, returns would be confusing, inexact, and not subject to comparison. This would render them useless for determining the volume or incidence of crime as between either different years or different jurisdictions.

The following are class titles of the Uniform Classification. In a majority of instances the most representative offense is used as the title and indicates the general nature of offenses included in the class.

Part I Classes

1. Felonious Homicide
    - a. Murder and Non-negligent Manslaughter
    - b. Manslaughter by Negligence

2. Rape
3. Robbery
4. Aggravated Assault
5. Burglary—Breaking or Entering
6. Larceny—Theft
   a. $50 and over in value
   b. Under $50 in value
7. Auto Theft

Part II Classes

8. Other Assaults
9. Forgery and Counterfeiting
10. Embezzlement and Fraud
11. Weapons; Carrying, Possessing, etc.
12. Sex Offenses (except rape)
13. Offenses Against the Family and Children
14. Violating Drug Laws
15. Driving While Intoxicated
16. Violating Liquor Laws
17. Drunkenness
18. Disorderly Conduct and Vagrancy
19. Gambling
20. Violating Traffic and Motor Vehicle Laws
21. All Other Offenses
22. Suspicion

The two parts of the classification are used differently by the police in compiling returns for the Department of Justice. Returns of "offenses known to the police" are concerned only with offense classes in Part I; the returns of "persons charged" are complete for all classes in both Part I and Part II.

Use of Part I Classes for Offenses Known to the Police

Sec. 34. Only those offenses are included in Part I of the Uniform Classification which are ordinarily known or reported to the police. Offenses which are most frequently concealed are excluded. In addition, a few offenses have been excluded because of their infrequency and the impossibility of combining them into classes which would be uniform for all of the states. As a result, the returns of "offenses known to the police" are

confined to the seven classes listed above. No facts concerning offenses are obtained for any of the classes in Part II.

In Chapter V the offenses to be included in Part I are described in detail. Schedules devised for each jurisdiction after a thorough analysis of the penal laws, explain exactly which offenses are included in a class and which are excluded. To use Part I of the Uniform Classification, therefore, the schedule for your own state or territory, as it appears in Section 225, should be employed in all cases.

Use of Part II Classes for Persons Charged by the Police

Sec. 35. In compiling data concerning persons charged, both Part I and Part II of the Uniform Classification are used. Part II Classes are used only for compiling facts about "persons charged." Uniformity in these classes is rather essential, for though the number of persons charged is not a reliable basis for measuring crime, it is the only information to be available for Part II offenses. Moreover, in the study of offenders and their court dispositions it is important to have them grouped according to the type of crime committed. The classes in Part II are based upon these considerations. Although schedules of Part II offenses have not been prepared for each state, the description of the classes appearing in the following section will serve all practical purposes. They are representative of the types found in the penal codes of the forty-eight states and territorial jurisdictions. Violations of municipal ordinances as well as state laws are to be included. Federal laws are excluded entirely from police returns.

It is suggested that each department fill in the classes with the specific state and local offenses which apply to its jurisdiction. Do not place an offense in any class unless the definition or list of offenses definitely provides for it. (Offenses unprovided for go in Class 21). Otherwise, uniform reporting is impossible and the classes lose the particular characteristics with which they have been provided. This outline of Part II Classes, together with the schedule for Part I Classes, will adapt the entire Uniform Classification to local as well as to national needs.

Definition of Part II Classes

Sec. 36. The brief list of offenses under each of the following classes indicates the general content and scope of the class. Although the offenses listed here may not be identical in name with those in your jurisdiction, they are sufficiently descriptive to guide you in determining what offenses you should include or exclude from each class.

8. Other Assaults: This class comprises all assaults and attempted assaults which are not of an aggravated nature and which do not belong in Class 4. Include such offenses as:

Simple assault
Assault and battery
Pointing a gun in jest
Injury caused by culpable negligence
Intimidation
Coercion
Resisting or obstructing an officer
Hazing
Wife beating
Drawing a dangerous weapon
All attempts to commit the above

9. Forgery and Counterfeiting: In the majority of states forgery and counterfeiting are treated as allied offenses. In this class are placed all offenses dealing with the making, altering, uttering or possessing, with intent to defraud, anything false in the semblance of that which is true. Include:

Altering or forging public and other records
Making, altering, forging, or counterfeiting bills, notes, drafts, tickets, checks, etc.
Forging wills, deeds, notes, bonds, seals, trade-marks, etc.
Counterfeiting coins, plates, bank notes, checks, etc.
Possessing or uttering forged or counterfeited instruments
Erasures
Signing the name of another or fictitious person with intent to defraud
Possession, manufacture, etc., of counterfeiting apparatus
Using forged labels

Selling goods with altered, forged or counterfeited trademarks
All attempts to commit the above

10. Embezzlement and Fraud: Although the offenses in this class are similar to larceny, it has been necessary to treat them separately. Include here all cases of fraudulent conversions, embezzlements, and obtaining by false tokens and pretenses, such as:

Embezzlement
Fraud
"Confidence game"
Fraudulent conversion, appropriation, conveyance, entries, accounts, registration, use of trade marks or emblems, misbranding, etc.
False personation, pretense, statement, document, representation, claims, evidence, etc.
Gross fraud, cheat, or swindle
Check frauds; drawing check without funds, etc.
Fraudulent use of telegraph, telephone messages
Insurance frauds
Use of false weights and measures
False advertising
All attempts to commit the above

11. Weapons; Carrying, Possessing, Etc.: This class deals with all weapon offenses, regulatory in nature, such as:

Manufacture, sale, or possession of deadly weapons
Carrying deadly weapons, concealed or openly
Using, manufacturing, etc., silencers
Furnishing deadly weapons to minors
Bringing weapons into state prisons
Aliens possessing deadly weapons

12. Sex Offenses (except rape): All offenses against chastity, common decency, morals, and the like, except actual rape charges, are placed in this class. Rape charges go in Class 2. Include such offenses as the following:

Abduction and compelling to marry
Abortion

Adultery and fornication
Bastardy and concealing death of a bastard
Bigamy and polygamy
Buggery
Incest and marriage within prohibited degrees
Indecent exposure
Indecent liberties
Intercourse or marriage with an insane, epileptic, or venereally diseased person
Miscegenation
Prostitution and keeping bawdy, disorderly house, or a house of ill fame
Pandering, procuring, transporting, detaining, etc., women for immoral purposes
Seduction
Sodomy or crime against nature
All attempts to commit any of the above

13. Offenses Against the Family and Children: Include here all charges of nonsupport, neglect or abuse of family and children, and offenses which are contributory to the delinquency of minors, such as:

Desertion, abandonment, or nonsupport of wife or child
Neglect or abuse of child
Encouraging or contributing to delinquency of minors
Employment of children in injurious, immoral, or improper vocations or practices
Admitting minors to improper places
Nonpayment of alimony
All attempts to commit any of the above

14. Violating Drug Laws: This class comprises all offenses relating to narcotic drugs (federal offenses excepted). It includes:

Unlawful possession, sale, etc. of narcotic drugs
Bringing drugs into state prisons, hospitals, etc.; furnishing to convicts
Keeping or frequenting an opium den
Habitual users
All attempts to commit any of the above

15. Driving While Intoxicated: This class is limited to the driving or operating of any vehicle or common carrier while drunk or under the influence of liquor or narcotics. Include:

Operating a motor vehicle while intoxicated
Operating an engine, train, street car, steamboat, etc. while intoxicated.

16. Violating Liquor Laws: With the exception of "Driving While Intoxicated" (Class 15), and "Drunkenness" (Class 17), all liquor law violations, state or local, are placed in this class. Do not list federal violations. Include:

Manufacture, sale, transporting, furnishing, possessing, etc. intoxicating liquor
Maintaining unlawful drinking places
Advertising and soliciting orders for intoxicating liquor
Bootlegging
Operating still
Bringing liquor into state prisons or hospitals; furnishing to convict or prisoner
Furnishing liquor to a minor or intemperate person
Using a vehicle for illegal transportation of liquor
Drinking on train or public conveyance
All attempts to commit any of the above

17. Drunkenness: Include in this class all offenses of drunkenness or intoxication:

Drunkenness
Drunk and disorderly
Common or habitual drunkard
Intoxication

18. Disorderly Conduct and Vagrancy: In this class are placed all charges of committing a breach of the peace, riot, or affray, or of being a vagrant, beggar, or loiterer. Persons *prosecuted* on the charge of being a "suspicious character or person, etc." are included; otherwise such charges belong under "Suspicion" in Class 22. Include:

Riot, rout, or affray
Unlawful assembly
Disturbing the peace

Disturbing meetings
Disorderly conduct in state institutions, at court, at fairs, on trains, or public conveyances, etc.
Disguised and masked persons; night riders
Prize fights
Blasphemy, profanity, and obscene language
Desecrating flag
Refusing to assist an officer
Vagrancy, begging, loitering, vagabondage
All attempts to commit any of the above

19. Gambling: In Class 19 are grouped all charges which relate to promoting, permitting or engaging in gambling. Include:

Keeping gaming devices
Common gamblers
Owning gambling resort
Frequenting gambling resort
Lotteries
Gambling in any manner

20. Violating Traffic and Motor Vehicle Laws: Include in this class all violations of state laws and municipal ordinances with regard to traffic and motor vehicles; except "Auto Theft" (Class 7), and "Driving While Intoxicated" (Class 15).

21. All Other Offenses: Include in this class every other state or local offense not included in Classes 1 to 20 above, such as:

Arson
Assisting another in the commission of self-murder
Blackmail and extortion
Breaking or entering other than with intent to commit a felony or any larceny
Bribery
Buying or receiving stolen property
Combination in restraint of trade; trusts; monopolies
Conspiracy
Contempt of court
Criminal anarchism
Criminal syndicalism
Discrimination; unfair competition
Unlawful disinterment of the dead and violation of sepulture

Displaying red or black flag
Forcible entry or detainer
Kidnapping
Malicious mischief and injury to property
Perjury and subornation of perjury
Possession, repair, manufacture, etc. of burglar's tools
Possession, sale, etc. of adulterated drugs (non-narcotic)
Possession or sale of obscene literature, pictures, etc.
Public nuisances
Trespass
Unauthorized use of motor vehicles, animals, etc.
Unlawful use, possession, etc. of explosives
Violations of state regulatory laws and municipal ordinances (this does not include those offenses or regulations which belong in the above classes)
Violation of parole
Violation of quarantine
All offenses not otherwise classified
All attempts to commit any of the above

22. Suspicion: While "suspicion" is not an offense, it is the ground for many arrests in those jurisdictions where the law permits. After examination by the police, the prisoner is either formally charged or released. Those formally charged are entered in one of the above offense classes. This class is limited to "suspicion" arrests which are released by the police.

Instructions for Scoring Offenses

Sec. 37. In determining the number of offenses to be scored when two or more persons commit one offense or one person commits two or more offenses, employ the following instructions. These instructions cover each offense in Part I of the Uniform Classification. Since the rules for *offenses against the person* differ somewhat from the rules concerning *offenses against property,* they are considered under these two general divisions.

Offenses Against the Person

Sec. 38. Offenses against the person include the following classes: Felonious Homicide, Rape, and Aggravated Assault.

For each person *against* whom an offense is committed, one of-

fense is entered; that is to say, the number of offenses reported and scored should be equal to the number of persons unlawfully killed, raped, maimed, wounded, or assaulted, plus the number of attempts. The number of accused persons is no guide to the number of crimes which should appear. A typical offense is murder; if one person murders three persons, then three offenses must be entered under Felonious Homicide; on the other hand, if three persons murder one person, only one offense would be listed.

Offenses Against Property

Sec. 39. Offenses against property include the classes of Robbery, Burglary—Breaking or Entering, Larceny—Theft, and Auto Theft.

The method of computing these does not depend so much upon the number of victims as it does upon the number of separate and distinct operations which have been undertaken. Specific instructions for each offense follow:

(*a*) *Robbery.* The number of robberies entered depends entirely upon the number of operations of this nature which have been carried out or attempted. For example, robbery committed upon forty patrons of a "speakeasy" or "soft drink parlor" would be returned as a single offense. It follows that, if three persons rob one, or one person robs three, only one robbery would be entered in either case.

This rule assumes that there is not a series of operations. For example, if one robber holds up three individuals at different times or places, three robberies would be entered.

(*b*) *Burglary—Breaking or Entering.* In burglary there is some chance for confusion when structures contain numerous independent occupants, as in the case of apartments, lodging houses, hotels, and office buildings. If a series of burglaries is committed as part of a single operation in one of these multiple buildings, some definite rule is clearly necessary for determining how many offenses shall be entered. For the purpose of reporting offenses it is deemed advisable to regard hotels and lodging houses as single units without regard to the number of rooms

broken and entered at any one time. On the other hand, each apartment in an apartment house and each suite in an office building should be considered as separate units rather than the building itself.

For example, if a number of individual hotel rooms are entered by two burglars, acting together and at the same time, only one offense is reported in the class Burglary—Breaking or Entering. But if three separate apartments in one apartment house are entered by two burglars, there are three offenses reported under Burglary—Breaking or Entering.

The distinction thus made is largely drawn from police experience, since guests in a hotel are most likely to report their losses to the management, which in turn makes a single complaint to the police; whereas apartment dwellers may be expected individually to get in touch with the police department.

(*c*) *Larceny—Theft.* The rule concerning the number of distinct criminal operations applies also to offenses in this class. Thus, if a sneak thief makes away with property all stored in one place, but belonging to three different persons, only one larceny is entered.

(*d*) *Auto Theft.* The rule concerning auto theft is the simplest of all. The number of crimes entered should be equal to the number of vehicles stolen, plus the number of attempted thefts. Care should be taken to include all cases in which cars are stolen, regardless of the amount of time which elapses before recovery. Auto Theft, as the term is used here, does not include taking for temporary use, where the car is actually returned, nor does it include unauthorized use by chauffeurs, employees, domestic servants, garage employees, and others having custody of the car or access to the place where it is stored.

General Provisions

Sec. 40. When several offenses are committed by one person at the same time, list as the crime committed the one which comes first in the classification. For example, *one* offense of robbery would be listed if both assault and robbery had been

committed, because Robbery appears before Aggravated Assault in the classification.

Offenses which follow in a more or less natural sequence but after an appreciable length of time, such as a robbery following an auto theft, should be listed as separate offenses in their respective classes.

It should always be remembered that, even though the offender is convicted of a lesser offense than the one charged, it still stands as originally entered under "offenses known to the police."

Return A. Monthly Return of Offenses

Sec. 41. The monthly return of "offenses known to the police," is made on Return A. (Figure 1). The return is compiled monthly by all police departments and forwarded to the Division of Identification and Information in the Department of Justice at Washington (or to the state bureau, if it is collecting them). If the departmental records do not furnish all of the facts for this return, refer to Chapter III for a description of a record system which will produce them. The methods by which the return may be compiled from the records are described in Sections 85 and 86.

Object of Return A

Sec. 42. The facts on Return A are limited to the number of known offenses, and the number reported which upon investigation proved to be unfounded. Dispositions are excluded for two reasons:

1. A large proportion of the offenses are not disposed of until the following month or months; hence only a small number of dispositions could be shown. To delay compiling the return until it could include most of the dispositions would rob it of its chief value—showing currently whether crime is on the increase or decrease.

2. A month is too short a period to have much significance for dispositions, at least in so far as national statistics are concerned. Moreover, in only a few of the largest police depart-

ments are there a sufficient number of cases for this to have value.

The return also shows the number of employees in the department. By entering this number monthly, the Department of Justice will be able to strike a reliable average for the year.

What Offenses Included

Sec. 43. Return A includes all offenses in Part I of the Uniform Classification. The figures must be complete for all offenses becoming known to the police during the month, whether as the result of:

1. Citizens' complaints
2. Reports of police officers
3. "On view" ("pick-up") arrests and confessions of crimes not previously reported
4. Citizens' complaints to sheriff, prosecutor, county police, private detectives, constables, etc.
5. Or otherwise (Sections 21 to 25).

Offenses discovered during the previous months, which were not reported or otherwise known until the current month, are included.

Uniform Classification of Offenses

Sec. 44. In entering offenses in Return A follow the schedule for your state which appears in Section 225. The titles in Column 1 of the return are the class titles and include all offenses listed in the schedule. Offenses are not to be included in a class if the schedule does not provide for them; likewise, none are to be excluded if the schedule includes them.

Felonious Homicide (Class 1) is divided into two sub-classes. Enter under (*a*) *Murder and Non-negligent Manslaughter* all murder aand all other unlawful killings not the result of negligence. Under (*b*) *Manslaughter by Negligence,* enter all unlawful killings, other than murder, which result from culpable negligence. The most common offenses in the latter group are manslaughters by vehicles.

RETURN A

MONTHLY RETURN OF OFFENSES KNOWN TO THE POLICE

City / Town / Village / County } of ..... State ..... Month of ..... 19..

UNIFORM CLASSIFICATION OF OFFENSES (PART I) 1	OFFENSES REPORTED OR KNOWN TO POLICE (INCLUDES UNFOUNDED) 2	UNFOUNDED 3	NUMBER OF ACTUAL OFFENSES 4
1. Felonious Homicide.....			
a. Murder and Non-negligent Manslaughter....			
b. Manslaughter by Negligence.....			
2. Rape.....			
3. Robbery.....			
4. Aggravated Assault.....			
5. Burglary—Breaking or Entering.....			
6. Larceny—Theft.....			
a. $50 and Over in Value			
b. Under $50 in Value..			
7. Auto Theft.....			
Total.....			

Number of Department Employees (including civilians) .....

..... *Clerk*

To be forwarded to the National Division of Identification and Information, U. S. Department of Justice at Washington on the seventh day after close of month

..... *Chief, Commissioner, or Superintendent*

See other side for instructions

Date ..... *19....*

FIGURE 1. Return A for Monthly Report of Offenses

(See Reverse Side)

INSTRUCTIONS FOR PREPARING RETURN A

(Instructions in detail are given in the Manual, Sections 42 to 52)

All offenses in Part I Classes occurring during the month are included in Return A, whether they become known to the police as the result of:

a. Citizens' complaints
b. Reports of police officers
c. "On view" ("pick-up") arrests
d. Citizens' complaints to sheriff, prosecutor, county police, private detectives, constables, etc.
e. Or otherwise.

The titles in column 1 are classes in Part I of the Uniform Classification. In compiling offenses for these classes, follow:

a. The **classification schedule** for your state (Sections 33, 34, and 225).
b. The **Instructions for Scoring Offenses** (Sections 37 to 40).

Adjustments are made on this month's return for offenses listed inaccurately on returns of preceding month (Section 47).

In Column 2 enter opposite the proper class the total number of offenses reported or known in any other way. "Unfounded" reports are included.

In Column 3 enter the number of reports which investigation proves to be "unfounded."

Column 4 is obtained by subtracting Column 3 from Column 2. Total all columns.

The return is to be compiled and **mailed by the seventh** of the succeeding month.

Fill in the **number of employees, name of place** and **state, month of return, date,** and **signatures. Typewrite** if possible.

The **tally sheet** and other methods by which the facts can be compiled are described in Sections 85 and 86.

FIGURE 1. Reverse

Similarly, divide larcenies (Class 6) into two sub-classes, the one for larcenies of (*a*) *$50 and Over in Value,* the other for (*b*) *Under $50 in Value.* Enter all attempts to commit larceny in the latter sub-class.

Instructions for Scoring Offenses

Sec. 45. In determining the number of offenses to enter under each class, follow carefully the Instructions for Scoring Offenses (Sections 37 to 40). These rules apply to offenses known as the result of "on view" arrests as well as by other means. Attention is particularly called to the method of scoring offenses against the person as differing from offenses against property.

Date Compiled and Forwarded

Sec. 46. Return A includes all offenses becoming known to the police in the course of each calendar month. It must be compiled and placed in the mails by the seventh day of the succeeding month. By delaying the return seven days after the end of the month, it can include offenses reported during the last day or two of the month which investigation shows to be unfounded or inaccurately reported. The changes appearing later than this are adjusted on the next month's return, as described in the following section.

Adjustments for Inaccuracies in Previous Returns

Sec. 47. Investigation of a case during the current month may show that offenses listed in Column 2 of a previous return proved to be:

1. Unfounded
2. Assigned to the wrong class
3. Improperly scored
4. And finally, an offense occurring during a previous month may not be discovered until the current month.

All adjustments or changes are made on Return A as of the month in which discovered. This is done even though the of-

fense occurred months before. Such adjustments, however, should not be very frequent, since seven days after the end of the month are allowed before the return is due.

When an adjustment proves necessary it is made on the current return by subtracting "1" from the column and class in which it was previously listed and adding "1" to the column and class to which it belongs. Offenses discovered for the first time are, of course, only added. These adjustments are made on the tally sheet, master sheet, or tabulating card before the return is compiled. The individual reports for which adjustments are required must be marked in some manner or temporarily filed in a separate place. The adjustments do not injure the reliability of the figures, for they will tend to equalize each other from month to month.

The following examples show how these adjustments are made.

1. Investigation after the last return was made, shows a report of robbery to be "unfounded"; in the current return, an additional "unfounded" robbery is added to Column 3 and one robbery subtracted from Column 4. Column 2 is not affected at all.

2. An offense reported as burglary in a previous return is found upon investigation to be larceny; one burglary is subtracted in Columns 2 and 4 and one added to the larceny class (either over or under $50.00) in the same columns.

3. An offense reported as assault in a previous return becomes murder by the death of the person attacked; one is subtracted from the assault class in Columns 2 and 4 and one added to the murder sub-class under Felonious Homicide in each of these columns.

4. A previous report of pocket-picking (under $50 in value) is discovered to be simple larceny; here no adjustment is made, since both offenses are within the one class of larceny, under $50 in value.

5. A burglary of an unoccupied dwelling during a previous month is not discovered until the current month; this is tallied as one burglary in Columns 2 and 4.

Column 2. Offenses Known or Reported to the Police

Sec. 48. Opposite the proper class is listed the total number of offenses known or reported to the police. Unfounded cases are included. Due care is necessary that the actual offense committed, as revealed by investigation, is entered in Column 2. Thus, where the original complaint or report is inaccurate, it is revised in the light of all new facts before it is listed in the return.

Column 3. Unfounded Reports

Sec. 49. In this column enter the number of reports of an offense which prove to be unfounded. An "unfounded" offense is a report which proves upon investigation to be groundless. This does not apply to cases where a different offense from the one reported is found to have occurred. Every unfounded case is entered in both Columns 2 and 3. No offense is to be declared "unfounded" unless the police chief or an assigned responsible officer approves in writing.

Column 4. Number of Actual Offenses

Sec. 50. The figures for Column 4 are obtained by subtracting each class in Column 3 from Column 2. Each of the columns is totaled and the total of Column 2 checked against the sum of Columns 3 and 4.

Miscellaneous Directions

Sec. 51. Note after "Number of Department Employees" the total number of employees of the department upon the first day of the month. All civilians as well as police officers are to be included.

Sec. 52. Be sure to give the name of the place, the state, and the month for which the return is made. Failure to do this might prevent the Department of Justice from using the return.

If possible, the return should be filled in by typewriter. At least, it must be clearly legible.

The clerk compiling the return should date and sign it and then obtain the police chief's signature. If the chief compiles it,

his signature of course is sufficient. These signatures are of value to the Department of Justice for purposes of correspondence. Moreover, it is to the chief's interest that the return should leave the department only with his full approval.

Return B. Annual Return of Offenses

Sec. 53. The annual return of "offenses known to the police" is made on Return B (Figure 2). The return is compiled by all police departments and forwarded to the Division of Identification and Information in the Department of Justice at Washington (or to the state bureau, if it is collecting them). In case the records of the police department do not furnish all of the facts in the manner called for, refer to Chapter III for a description of a record system which will produce them. The methods by which the return can be compiled are described in sections 85 and 86.

Object of the Return

Sec. 54. The annual return contains all of the facts about crime which are on the monthly Return A (Figure 1) and in addition, the results which the police obtain in the investigation of these offenses. Briefly, the return is designed to show:

1. The number of offenses which have been reported or are otherwise known to the police
2. The number of reported offenses which investigation proved to be unfounded
3. The number of offenses "cleared by arrest"; that is, the number of offenses in which the police have started proceedings against one or more persons (whether by arrest, summons, notice, or citation)
4. The number of offenses "not cleared" (pending, inactive, and closed cases).

What Offenses Included

Sec. 55. Return B includes all offenses in Part 1 of the Uniform Classification. The figures must be complete for all offenses occurring within the police jurisdiction which become

RETURN B

ANNUAL RETURN OF OFFENSES KNOWN TO POLICE

CITY / TOWN / VILLAGE / COUNTY } OF ..... STATE OF ..... FOR YEAR ENDING DECEMBER 31, 19.....

UNIFORM CLASSIFICATION OF OFFENSES (PART I CLASSES) 1	OFFENSES REPORTED OR KNOWN TO POLICE (INCLUDES UNFOUNDED) 2	UNFOUNDED 3	CLEARED BY ARREST (INCLUDES EXCEPTIONAL CLEARANCES) 4	NOT CLEARED BY ARREST (PENDING, INACTIVE, CLOSED, ETC. CASES) 5	REPORTED NOT CLEARED OTHER YEARS; CLEARED BY ARREST (INCLUDES EXCEPTIONAL CLEARANCES) 6
1. Felonious Homicide					
a. Murder and Non-negligent Manslaughter					
b. Manslaughter by Negligence					
2. Rape					
3. Robbery					
4. Aggravated Assault					
5. Burglary—Breaking or Entering					
6. Larceny—Theft					
a. $50 and Over in Value					
b. Under $50 in Value					
7. Auto Theft					
Total					

To be forwarded to the National Division of Identification and Information in the U. S. Department of Justice at Washington by March 1.
See other side for instructions.

.....
Clerk of Police

.....
Chief, Commissioner, or Superintendent

Date ..... 19.....

FIGURE 2. Return B for Annual Report of Offenses
(See Reverse Side)

INSTRUCTIONS FOR PREPARING RETURN B

(Instructions in detail are given in the Manual, Sections 53 to 67)

All offenses in Part I Classes occurring between January 1 and December 31 are included in Return B, whether they become known to the police as the result of:

a. Citizens' complaints
b. Reports of police officers
c. "On view" ("pick-up") arrests
d. Citizens' complaints to sheriff, prosecutor, county police, private detectives, constables, etc.
e. Or otherwise.

The titles in Column 1 are the classes in Part I of the Uniform Classification. In compiling offenses for these classes follow:

a. **The classification schedule** for your state (Sections 33, 34, and 225).
b. The **Instructions for Scoring Offenses** (Sections 37 to 40).

In Column 2 enter opposite the proper class the total number of offenses reported or known in any other way. "Unfounded" reports are included.

In Column 3 enter the number of reports which investigation proves to be "unfounded."

In Column 4 enter the number of offenses cleared by one or more arrests. Exceptional clearances are included. (See Sections 61 and 62.)

In Column 5 enter all offenses not cleared. These include pending, inactive, and closed cases. The sum of Columns 3, 4, and 5 must equal Column 2.

In Column 6 are entered offenses which were carried as "not cleared" in the return of a previous year, which have been cleared during the current year. (See Section 64.)

The return is to be compiled and **mailed by March 1.** Forward it even though it is necessarily incomplete or inaccurate, footnoting same.

Total the columns and fill in the **name of place, state, date,** and **signatures. Typewrite** if possible.

The **tally sheet** and other methods in which the facts can be compiled are described in Sections 85 and 86.

FIGURE 2. Reverse

known to the police between January 1 and December 31, whether as the result of:

1. Citizens' complaints
2. Reports of police officers
3. "On view" ("pick-up") arrests and confessions of crimes not previously reported
4. Citizens' complaints to sheriff, prosecutor, county police, private detectives, constables, etc.
5. Or otherwise (See Sections 21 to 25).

This applies to offenses occurring in previous years which were not reported or discovered until the current year.

Uniform Classification of Offenses

Sec. 56. Offenses are grouped according to Part I Classes of the Uniform Classification. Follow the schedule for your state which appears in Section 225. The titles in Column 1 of the return are the class titles and include all offenses listed in the schedule. Offenses are not to be included in a class if the schedule does not provide for them; likewise, none are to be excluded if the schedule includes them.

As in Return A (Section 44) divide Felonious Homicide (Class 1) into two sub-classes: (*a*) *Murder and Non-negligent Manslaughter* and (*b*) *Manslaughter by Negligence.*

Similarly divide Larceny-Theft (Class 6) into the two sub-classes, the one for larcenies of (*a*) *$50 and Over in Value,* the other for (*b*) *Under $50 in Value.* Enter all attempts to commit larceny in the latter sub-class. No divisions are made in any other class.

Instructions for Scoring Offenses

Sec. 57. In determining the number of offenses to be entered under each class, follow the Instructions for Scoring Offenses (Sections 37 to 40). These rules apply to known offenses as the result of "on view" arrests as well as by other means. The offense must be scored in the same offense class when entered as "unfounded," "cleared by arrest," or "not cleared," as it is in Column 2.

Date Compiled and Forwarded

Sec. 58. The year of Return B is the calendar year regardless of the city's fiscal year. The return must be compiled and placed in the mails by March 1 of the succeeding year. The tally should be delayed to give ample time for correcting inaccuracies in the offense reports and to discover unfounded cases. This will avoid such adjustments as were required from month to month for Return A. Departments using master sheets (Section 114) should continue to make adjustments at the time the changes occur.

Column 2. Offenses Known or Reported to the Police

Sec. 59. Opposite the proper class is listed the total number of offenses known or reported to the police. Unfounded cases are included. Due care is necessary that the actual offense committed, as revealed by investigation, is entered in Column 2. Where the original complaint or report is inaccurate, it must be revised in the light of all new facts before it is listed in the return.

Column 3. Unfounded

Sec. 60. Enter in this column the number of reports of an offense which proved to be unfounded. An "unfounded" offense is a report which proves upon investigation to be groundless. This does not apply to cases where a different offense from the one reported is found to have occurred. Every unfounded case is listed in both Column 2 and Column 3. No offense is to be declared "unfounded" unless the chief or an assigned responsible officer approves in writing.

Column 4. Cleared by Arrest

Sec. 61. This column does not refer to the number of arrests (which appears in Return C, Figure 3), but to the number of offenses which are cleared by one or more arrests. Only cases cleared between January 1 and December 31 are included. Offenses cleared after December 31 are entered in Column 6 of the return for the following year (Section 64).

An offense is "cleared by arrest" when one or more persons are charged and prosecuted for it (whether following arrest, court summons, or police notice). If the person is released by the police, without being formally charged, the offense is "not cleared." The arrest of one person may clear several offenses; likewise, the arrest of several persons may clear one offense. Note the following examples:

1. If one is arrested and prosecuted for having committed a murder, enter one Felonious Homicide, "cleared by arrest", in Column 4.

2. If one is arrested and prosecuted for having committed a dozen burglaries in the community (listed in Column 2), twelve burglaries "cleared by arrest" would be entered in Column 4. If some of the burglaries occurred in a previous year, the number of "cleared by arrest" entries would be divided with Column 6. No offense is cleared unless the person arrested is charged and prosecuted therefor.

3. If three are arrested who have jointly committed one burglary, only one burglary would be "cleared by arrest."

4. If a person is arrested in the act of pocket-picking ("on view" arrest), one "cleared by arrest" larceny is entered. It is also listed as one known offense in Column 2.

Exceptional Clearances

Sec. 62. A number of exceptional clearances, not the result of arrest, can be considered as clearing the offense and may be entered in Column 4. Detection of the offender is an essential of every exceptional clearance. They are limited to the following:

1. Suicide of the offender
2. Double murder
3. Deathbed confession
4. Confession by offender already in custody or serving sentence
5. An offender arrested by another city and turned over for prosecution, or an offender prosecuted in another city for a different offense; or when extradition is denied. In all cases if the offense is to be considered

cleared, he must be identified as the offender and an attempt made to obtain him.

6. The recovery of property does not clear a case. All cases in which recovery is the only result are carried as not cleared in Column 5.

Column 5. Not Cleared

Sec. 63. All offenses during the current year not cleared by arrest or declared unfounded are listed in this column. "Not cleared" cases include offenses under investigation (pending) and offenses for which no arrests were made. The latter are sometimes called closed or inactive cases. All offenses which are not entered in Columns 3 and 4 are listed in Column 5. The figures for this column start afresh each year.

Column 6. Not Cleared Other Years; Cleared by Arrest

Sec. 64. In this column are entered offenses which were carried as "not cleared" in the return of a previous year, but which have been "cleared by arrest" during the current year. There may be a number of these, as some offenses occurring during the last weeks of the year will not be cleared until the following year. Exceptional clearances are included.

Just as these cases are entered in Column 6, so will some of the cases entered this year in Column 5 be carried in Column 6 of the next return. Unless this is done, the department will receive no credit for cases cleared after the return is forwarded to the Department of Justice.

In some departments (particularly in those using master sheets) it will prove more convenient to combine Columns 4 and 6. This will make no difference so long as all offenses cleared by arrest during the current year are included in Column 4. If the Column 6 clearances are combined with Column 4, Column 5 is correspondingly decreased.

If the tally method is used for compiling the return, the offense reports of these cleared cases of previous years should be placed in a separate part of the file or marked in a special manner. Otherwise, it will be difficult to identify them in the files when the tally is made.

Miscellaneous Directions

Sec. 65. Columns 2, 3, 4, 5, and 6, are totaled at the bottom. The sum of Columns 3, 4, and 5 must always equal Column 2. This is true for each class of offense as well as for the totals. If any offense listed in Column 2 is not "cleared by arrest", it is a "not cleared" case. To preserve this balance, offenses must be classified and scored in Columns 3, 4, 5, and 6 in the same way as in Column 2.

Sec. 66. If the facts for any of the columns are not available, they may be left blank. If any of the facts for the first return are necessarily incomplete or inaccurate, enter them nevertheless, indicating with a note at the bottom or on the reverse of the return how and to what extent they are defective.

Sec. 67. Be sure to give the name of the place, the state, and the year for which the return is made. If possible, the return should be filled in by typewriter. The clerk compiling the return should sign it and then obtain the police chief's signature. If the chief compiles it, his signature of course is sufficient.

Return C. Annual Return of Persons Charged

Sec. 68. The annual return of "persons charged" is made on Return C (Figure 3). If the records of the police department do not furnish all of the facts in the manner called for, refer to Chapter III for a description of a record system which will produce them. The methods by which this return may be compiled are described in Sections 85 and 86.

Return C is concerned with facts about "persons charged". Observe carefully the differences between the method of compiling the facts for this return and of compiling known offenses for Returns A and B. These distinctions are indicated in the following instructions:

Object of Return C

Sec. 69. The object of Return C (Figure 3) is to show the total number of persons who are charged by the police and prosecuted for having committed an offense. Thus the return

gives a complete picture of the number of persons dealt with by the police and courts. Briefly, the return is designed to show for both Part I and Part II Classes of the Uniform Classification of offenses:

1. The number of persons released by the police without being formally charged or prosecuted

2. The number of persons charged by the police and the number of such persons who are found guilty either of the offense charged or of a lesser offense

3. The extent to which the court summons, police notices, or citations are used to obtain the appearance of offenders in court, as compared with taking them into custody on arrest.

What Persons Included

Sec. 70. Return C includes all persons detected and charged between January 1 and December 31 with having committed an offense within the police jurisdiction. It makes no difference if the case is still pending in court. The return therefore includes:

1. Persons arrested (taken into custody) by the police. Arrests made *for* other authorities (that is for federal departments, other states, cities, towns, or counties) are not included. Persons arrested *by* other jurisdictions and turned over for prosecution, are included.

2. Persons served with a court summons (See Section 30). All summonses, whether served by the police or not, are included.

3. Persons notified or cited by the police to appear in court (See Section 31).

Uniform Classification of Offenses

Sec. 71. "Persons charged" are grouped in Return C according to both Parts I and II of the Uniform Classification (Sections 33 to 35). The classification schedule for your jurisdiction is to be followed in classifying persons charged with offenses in Part I Classes. (Schedule is found in Section 225.) The general schedule for Part II offenses (Section 36), is used in classifying all other persons charged. The classes should be

RETURN C

ANNUAL RETURN OF PERSONS CHARGED

CITY / TOWN / VILLAGE / COUNTY } OF ..... STATE OF ..... FOR YEAR ENDING DECEMBER 31, 19.....

UNIFORM CLASSIFICATION OF OFFENSES	PERSONS RELEASED BY POLICE (No Formal Charge)	PERSONS CHARGED BY THE POLICE			PERSONS FOUND GUILTY THIS YEAR	
		Total Persons Charged	Arrested (Taken into Custody)	Summoned, Notified, or Cited	Of Offense Charged	Of Lesser Offense
1	2	3	4	5	6	7
PART I CLASSES						
1. Felonious Homicide.....						
a. Murder and Non-negligent Manslaughter.....						
b. Manslaughter by Negligence..						
2. Rape.....						
3. Robbery.....						
4. Aggravated Assault.....						
5. Burglary—Breaking or Entering						
6. Larceny—Theft.....						
7. Auto Theft.....						
Total Part I Classes.....						
PART II CLASSES						
8. Other Assaults.....						
9. Forgery and Counterfeiting....						
10. Embezzlement and Fraud.....						
11. Weapons; Carrying, Possessing, etc.....						
12. Sex Offenses (Except Rape)..						
13. Offenses Against the Family and Children.....						
14. Drug Laws.....						
15. Driving While Intoxicated..						
16. Liquor Laws.....						
17. Drunkenness.....						
18. Disorderly Conduct and Vagrancy.....						
19. Gambling.....						
20. Traffic and Motor Vehicle Laws						
21. All Other Offenses.....						
22. Suspicion.....						
Total Part II Classes.....						
Grand Total.....						

To be forwarded to the National Division of Identification and Information in the U. S. Department of Justice at Washington by March 1.

See other side for instructions.

....
Clerk of Police

.....
Chief, Commissioner, or Superintendent

Date ..... 19.....

FIGURE 3. Return C for Annual Report of Persons Charged
(See Reverse Side.)

INSTRUCTIONS FOR PREPARING RETURN C

(Instructions in detail are given in the Manual, Sections 68 to 84)

The return is to be compiled and **mailed by March 1.** Forward it even though it is incomplete or inaccurate, footnoting same.

All persons charged between January 1 and December 31 for committing an offense within the local jurisdiction are included whether:

a. Arrested (taken into custody)
b. Arrested **by** other jurisdictions and turned over for prosecution
c. Served with a court summons
d. Or notified or cited by the police to appear in court.

The titles in Column 1 are the classes in both Part I and Part II of the Uniform Classification. In compiling offenses for these classes follow:

a. The **classification schedule** of Part I offenses for your state (Sections 33, 34, and 225)
b. The general **classification of Part II offenses** (Sections 35 and 36)
c. **Instructions for Scoring Persons Charged** (Section 72)

In Column 2 enter the number of persons released by the police without being turned over to the courts for prosecution. These include:

a. Persons taken into custody and released
b. Persons failing to respond to a summons, notice, or citation, who are not subsequently arrested
c. Offenders who are merely warned, released on the "golden rule" principle, whose notice or traffic citation (tag) is cancelled, and the like.

In Column 3 enter opposite the proper class the total persons charged who are turned over to the courts for prosecution. This is the sum of Columns 4 and 5.

In Column 4 enter the number of persons who are arrested and not released by the police.

In Column 5 enter all persons responding to a court summons, police notification, citation, or other police order to appear in court.

In Column 6 enter persons found guilty during the year of the offense charged and in **Column 7** those found guilty of a lesser offense. Include persons charged in previous years who are not found guilty till the current year. A lesser offense is one which bears a less severe penalty than the one charged by the police (Sections 79 to 81).

Total the columns and fill in the **name of place, state, date,** and **signatures. Typewrite** if possible.

The **tally sheet** and other methods by which the facts can be compiled are described in Sections 85 and 86.

FIGURE 3. Reverse

rigidly adhered to, offenses not specifically provided for in the definitions, being placed under All Other Offenses (Class 21).

Aiders, abettors, conspirators, solicitors, and accessories are entered according to the offense in which they are involved.

Persons charged with an offense in the Felonious Homicide class are divided into two sub-classes. Under (*a*) *Murder and Non-negligent Manslaughter,* list all persons charged with murder or any other unlawful killing not the result of negligence. List under (*b*) *Manslaughter by Negligence,* persons who are charged with any unlawful killing, other than murder, which results from culpable negligence. No person should be entered in either of these sub-classes who is not charged with a felonious homicide as enumerated in Class 1 of your schedule.

No division is made in larceny for Return C, nor in any other class.

Instructions for Scoring Persons Charged

Sec. 72. In order that the number of persons charged may be determined according to uniform methods, the following instructions have been adopted:

1. If the person is charged with more than one offense (several counts), he is carried as one "person charged" and classified according to the charge which comes first in the classification.

2. If the same person is apprehended and charged on separate occasions (days) for different offenses, each occasion is carried as one "person charged".

3. If two or more persons are charged with committing one offense, each is carried as a separate "person charged".

4. If a person fails to respond to a summons or a notification to appear in court and in consequence is arrested, only one charge is counted (one arrest), the summons or notice being ignored so far as the return is concerned.

Juveniles

Sec. 73. Juveniles are listed in the class to which their offense belongs, irrespective of any general formal charge re-

quired by law, such as "juvenile delinquent", "wayward minor", and the like. If the offense committed can not be so classed but is entirely limited to juveniles as, for example, "dependent child", it is placed in All Other Offenses (Class 21). The total number of juveniles can be determined by tabulating persons charged by age.

Date Compiled and Forwarded

Sec. 74. The period of the return is the calendar year regardless of the city's fiscal year. It must be compiled and placed in the mails by March 1 of the succeeding year. This delay gives an opportunity for correcting inaccurate charges on the arrest records before the tally is made. Departments using master sheets or tabulating cards will correct the inaccuracies when discovered.

Column 2. Persons Released by the Police

Sec. 75. In Column 2 enter the following:

1. Persons taken into custody but released by the police without being formally charged and turned over to the courts for prosecution. The number so released are entered according to the offense tentatively charged while held.

2. Persons taken into custody on the ground of "suspicion" or "suspicious character" and released by the police without being charged with a specific offense. (See Class 22 in Section 36). These suspicion releases are entered in Class 22 on the return. (Entries for Class 22 will appear only in Column 2.)

3. Some departments are not lawfully able to hold a person on the temporary charge of "suspicion". As a result, they sometimes make a practice of charging an offense, in order to hold for investigation, even though there is no suspicion of that particular offense. Where investigation shows there is no ground for holding further on this tentative charge and the prisoner is released, the case is entered in Class 22, and not for the offense tentatively assigned.

4. Persons failing to respond to a summons, notice, or citation, who are not subsequently brought into court by arrest or

other means. If later brought into court, earlier failures to respond are excluded altogether from the return. Similarly all unserved summonses or notices are excluded.

5. Offenders who are given a formal warning but not held to answer for an offense, or who are released by applying the "golden rule" or other measure short of court prosecution. Include also traffic violators whose notices (traffic tags) are cancelled or destroyed.

Column 4. Arrested (Taken into Custody)

Sec. 76. All persons taken into custody by arrest, charged by the police, and proceeded against for having committed an offense within the police jurisdiction, are listed in Column 4.

Column 5. Summoned, Notified, or Cited

Sec. 77. In Column 5 enter all persons responding to a court summons, police notification, citation, violation tag, or verbal command to appear in court. Persons who waive trial, plead guilty, and pay a fine, as frequently practiced for traffic violations, are included. (See Sections 30 and 31.)

Column 3. Total Persons Charged

Sec. 78. The figures in Column 3 are the sum of Columns 4 and 5. They furnish for each class the total number of persons charged by the police or held to answer for an offense. Do not include persons released by the police without prosecution.

Columns 6 and 7. Persons Found Guilty This Year

Sec. 79. In Columns 6 and 7 are placed all persons charged by the police who are found guilty by the courts during the year (January 1 to December 31). Persons are "found guilty" either as the result of a jury trial or a plea of guilt. All other dispositions are to be excluded. The columns must be complete for persons summoned, notified, or cited who are found guilty as well as for persons arrested; that is, Columns 6 and 7 represent the numbers of persons entered in Column 3 who are found

guilty. Included also are persons charged in previous years who were not found guilty in time to be entered in a previous return. The main requisite is that the columns comprise an entire year's "guilty" cases of persons charged by the police and that none are included which were entered in a previous return.

The tally of these cases is greatly facilitated by specially marking or filing the records of persons found guilty during the year. Similarly, cases still pending in court when the return is compiled are specially marked or filed during the following year if found guilty. These will be carried in Columns 6 and 7 of the next return.

Sec. 80. *Of Offense Charged:* Enter in Column 6 all persons found guilty of the offense charged by the police. By "guilty of offense charged" is meant the acceptance of a plea by the court or a verdict after jury trial (conviction) of the same charge as was placed against the defendant by the police. If there were more than one charge (or count), he must be found guilty of the most serious to be included in this column. Also include here any cases in which the defendant is found guilty of a different charge which bears the same or a greater penalty.

Sec. 81. *Of Lesser Offense:* In Column 7 are listed persons found guilty of a lesser offense than the one charged by the police, or less than the most serious if there were more than one charge (or count). A lesser offense is one which bears a less severe penalty. "Guilty of lesser offense" may be for a less serious offense within the same class or of a less serious offense in a different class. The following are examples of persons charged who are found guilty of a lesser offense:

1. A person charged with first degree murder who is convicted of second degree murder

2. A person charged with murder whose plea to manslaughter is accepted

3. A person charged with burglary (and larceny) who is only found guilty of larceny

4. A person charged with grand larceny who is found guilty of larceny of a lesser degree.

Miscellaneous Directions

Sec. 82. Before forwarding Return C (Figure 3) to the Department of Justice, Columns 4 and 5 should be added for each offense class and entered in Column 3. Each column is then totaled; first, for Part I Classes; then, for Part II Classes; and finally, for both Part I and Part II. The grand total for Column 3 should equal the sum of Column 4 and Column 5.

Sec. 83. If the facts are not available for any of the columns, they should be left blank. If any of the facts are necessarily incomplete or inaccurate, enter them nevertheless, indicating with a note at the bottom of the return how and to what extent they are defective.

Sec. 84. Be sure to give the name of the place, the state, and the year for which the return is made. If possible the return should be filled in by typewriter. The clerk compiling the return should sign it and then obtain the chief's signature. If the chief compiles it, his signature is sufficient.

Methods of Compiling Returns

Sec. 85. There are three general methods by which the returns described above can be compiled. Briefly, they are:

1. By making a special count with the aid of tally sheets (Figure 4). The tally sheet method is the most practical for villages, towns, and small cities. Such as these should refer to the following section.

2. By maintaining a master sheet from day to day, the totals of which will give the facts required (Figures 12 and 14).

3. By transferring the report of each offense to tabulating (punch) cards and counting them by machine (Figure 15).

Methods 2 and 3 are practical only in cities of 100,000 inhabitants and over. The merits of these two methods vary, according to the type of information to be compiled. For example, tabulating cards are particularly difficult to use in compiling offenses known to the police, though they have great value in analyzing the manner in which offenses are committed.

TALLY SHEET FOR RETURN A

Month of January 1930

UNIFORM CLASSIFICATION OF OFFENSES (PART I) 1	OFFENSES REPORTED OR KNOWN TO THE POLICE (Include Unfounded) 2	OFFENSES REPORTED BUT DECLARED UNFOUNDED 3
1. Felonious Homicide a. Murder and Non-negligent Manslaughter	// 2	
b. Manslaughter by Negligence	卌 5	/ 1
2. Rape		
3. Robbery	卌 卌 卌 卌 卌 // 27	//// 4
4. Aggravated Assault	卌 //// 9	// 2
5. Burglary—Breaking or Entering	卌 卌 卌 卌 卌 卌 卌 卌 卌 45	卌 5
6. Larceny—Theft a. $50 and over in Value	卌 卌 卌 卌 //// 24	/ 1
b. Under $50 in Value	卌 卌 卌 卌 卌 卌 卌 卌 卌

Master sheets, on the other hand, are well designed for compiling offenses, and are recommended for this purpose.

However, the mechanical tabulating card method is more satisfactory than the master sheet in compiling data of persons charged. It has its greatest value in analyzing social facts such as age, sex, color, country of birth, etc.

Both master sheets and tabulating cards are described in Chapter III, which deals with police record systems. Figures and explanations are found in the following sections:

Master Sheet for Police Disposition of Offenses—Sections 114 and 115.

Master Sheet for Persons Charged and Found Guilty—Sections 124 and 125.

Tabulating Cards for Persons Charged—Section 126.

The Tally Sheet Method—Figure 4

Sec. 86. Figure 4 is a specimen tally sheet showing how offenses may be tallied for Return A. The tally method has the following characteristics:

1. The tally can be limited entirely to the facts of the return or quickly expanded to include any number of facts.

2. It is the simplest method of compiling the returns.

3. It is the most suitable method for all but the largest cities. Even these may need it as a supplementary device or until master sheets and tabulating cards are in working order. Even then the compiling of new or special types of information may require the tally method.

4. The tally is made only at the end of the return period, requiring no other attention. The use of printed forms, record devices, and day-to-day operation are unnecessary.

Tally sheets for Returns A, B, and C are supplied by the Department of Justice, or departments can prepare similar forms adequate in size to meet their local needs. The tally sheets for Returns B and C simply duplicate the return forms, but provide wider columns and spaces to receive the tally marks.

The entries on the tally sheets are made directly from the offense reports, offense register, individual records of persons

arrested, summoned, and notified (cited), or other forms which may be used for recording offenses known to and persons charged by the police. (If no such forms are now in use, see Chapter III.) The actual tally is made by taking each of these offense reports (or arrest records) in turn and placing a tally mark in the proper columns of the tally sheet. It is therefore necessary that the reports and records show all of the information required by Returns A, B, or C. By drawing the fifth tally mark through the other four, the tallies are more quickly totaled. (See Figure 4.)

Care is necessary before the tally is begun to see that the reports give the final and correct offense or charge. By allowing seven days after the end of the month before Return A must be submitted, and two months after December 31 for Returns B and C, there is ample time for correcting inaccuracies. In order that all changes or revisions may be included, the actual tally should be delayed until the return is due.

The instructions for compiling each return describe in detail the method of classifying, scoring, and entering the facts. These apply equally to the tally and should be followed when it is being made.

Compiling Returns in Rural Areas

Sec. 87. The following sections describe the method of rural crime reporting; first, for those states operating a bureau for collecting crime statistics on a state-wide basis, and second, for rural areas in states which do not have such a bureau.

The Collection of Crime Reports by a State Bureau

Sec. 88. Where state bureaus for compiling criminal statistics are in operation, the task of obtaining reports from rural areas is greatly simplified. The state bureau can require every rural justice official such as village and town constables, marshals, sheriffs, justices, state police, etc. to forward individual reports either of offenses known to them or persons charged by them. For example, these officials can either forward a record of each offense at the time they learn of its commission, or they can

REPORT OF OFFENSES COMMITTED DURING MONTH OF April, 1930

Name of sheriff (or other county officer) to whom reporting John Doe; County of Sussex

DATE REPORTED OR KNOWN 1	NATURE OF OFFENSE (CRIME) 2	PLACE AND TIME COMMITTED 3	NAME AND ADDRESS OF COMPLAINANT 4
4/2/30	Assault to kill - struck women with axe	Homstead Farms Sidney Pike - 8 P.M. Apr. 2.	Mary Hunter Homstead Farm
4/5/30	Auto theft - Ford coupe stolen	In front of Brown's garage - 10 A.M. Apr. 5	alfred Jackson Main St
4/10/30	Burglary - store broken into $10 stolen	Smith's Grocery Store 11 P.M. apr. 11	John Smith Madison Rd.
4/19/30	Horse stolen - taken from pasture	Dunning's Farm Wooster Rd. Tue. night apr. 15	alec Dunning Wooster Rd.
4/19/30	attempted Robbery - two men tried to hold up delivery boy	Ideal Grocery Co. 11 AM - apr. 19.	James Lawrence Main St
4/26/30	Manslaughter - B. K. Roberts ran down with automobile	Wooster Rd. in front of Sheldon's home - 7 P.M. apr. 26	Helen Roberts 2 Plum St. Bayville
4/27/30	Burglary - broke into chicken coop and stole 5 chickens - Value $7.00	Joe Winter's place, main St. about 2 AM. Apr. 27	Malden Winter Main St
	Etc.		

To be forwarded on the 3rd of each month to the county sheriff or other designated officer.

See other side for instructions.

Signed Richard Roe

Title of office Marshal

Place Village of Plainville

Date May 3, 1930

FIGURE 5. Report of Offenses to be Forwarded to Sheriff by All Rural Police Officers Within County

(See Reverse Side)

INSTRUCTIONS FOR PREPARING REPORT OF OFFENSES COMMITTED

Enter in this report **all offenses** included in the list below which are **reported to you or are otherwise known** to have occurred within your jurisdiction. All offenses committed during the month covered by the report are included and, in addition, any offenses committed at a previous time which may not have become known to you until the present month. If investigation shows that the report of an offense already entered is **unfounded,** draw a line through it.

The return must be completed and placed in the mails by the 3rd of the following month.

The **following offenses only** are to be included:

1. Murder and manslaughter.
2. Rape.
3. Robbery—the taking, or attempt to take, property from the person of another by the use of threat or force.
4. Aggravated assault—including only assaults with intent to kill or commit a felony, or by the use of a deadly weapon or other means likely to cause death or serious injury.
5. Burglary—any unlawful breaking or entering with intent to commit a felony or larceny.
6. Larceny—all theft, stealing, and attempts to take away the property of another, including animals and vehicles. Do not include frauds or embezzlements. State value of property stolen.

In Column 1 enter the date in which the offense was reported or became known to you.

In Column 2 explain briefly the offense committed, giving one or two characteristic features in addition to the specific offense. Always give the number of persons committing offense if known, and the number attacked. See sample report form supplied to you.

In Column 3 state the place where the offense was committed and the time committed (approximate if necessary).

In Column 4 enter the name and address of the complainant, that is, the person attacked or reporting the offense.

FIGURE 5. Reverse

keep a record of the offenses on a form such as Figure 5 and send them to the state bureau at the end of each week or month. The state bureau will then compile these offenses, employing the Uniform Classification and Instructions for Scoring Offenses.

In view of the small number of offenses committed in cities with less than 10,000 or 20,000 inhabitants, such cities (to be designated by the state bureau) should likewise send individual reports of offenses to the state bureau. The compiling of return forms as described in the preceding sections of this chapter will then be necessary only for the larger cities.

Procedure Where No State Bureau Exists

Sec. 89. The sheriff (or other county police agency where one exists), is the only official in a position to forward crime returns for rural areas. In connection with this task he must collect reports of crime from all peace officers within his county, eliminate duplications therefrom, and forward a consolidated return to the National Division of Identification and Information in the Department of Justice at Washington. Return A (Figure 1), which shows the number of offenses committed, is the only return to be compiled for rural areas. Sections 42 to 52 describe the content of this return.

Sheriff to Receive Reports of Offenses Committed

Sec. 90. The Department of Justice will furnish report forms (Figure 5) and instructions to the sheriff for distribution to all peace officers (police departments excepted) in his jurisdiction; namely, village and town constables, marshals, state police, and other officers within the county to whom offenses may be reported or known. Each of these officials will enter the following types of offenses on Figure 5:

1. Murder and manslaughter
2. Rape
3. Robbery
4. Aggravated assault
5. Burglary—breaking or entering

6. Larceny—theft
7. Auto theft

Each report is to include all of these offenses which come to the official's attention in any manner during the period of a month. The reports may be delayed until the third of the succeeding month so that unfounded cases can be indicated. When completed the report is signed and forwarded to the sheriff (or other selected county agency). If these reports are unsatisfactorily prepared, they should be returned to the official concerned for correction. The specimen entries placed on Figure 5 indicate how the form is to be filled in.

Sheriff's Offense Register

Sec. 91. The Reports of Offenses Committed (Figure 5) which are forwarded to the sheriff by the various officers, must be consolidated into one record and all duplications eliminated. For this purpose a simple offense register such as Figure 16 in Chapter III is recommended. Columns 3, 8, 10, 11, 12, and 13 appearing in Figure 16 can be omitted, as Figure 5 does not contain these data. Columns 5 and 9 are retained in the belief that this information will be of value whenever available. A small ledger ruled by hand is suitable for the register.

In his offense register the sheriff (or deputy) will enter offenses reported to him on the Reports of Offenses Committed and also those reported in person to him or to his deputies. The instructions for Figure 16 (Section 130) also apply to the sheriff's register. He must compare the offenses in all of the reports in order to prevent duplication among his entries in the register.

Compiling Returns for the Department of Justice

Sec. 92. From the sheriff's register of offenses, the sheriff will compile Return A (Figure 1) for the Department of Justice. This return therefore becomes a consolidated statement of all offenses occurring within the county aside from districts under the jurisdiction of a police department which compiles returns for the Department of Justice. No offenses occurring within

the jurisdiction of such a police department are to be included in the return, even though they are entered in the sheriff's register.

In compiling Return A from the register, the Uniform Classification, Instructions for Scoring Offenses, and other instructions in Sections 42 to 52 must be followed. The sheriff will undoubtedly receive reports on which are entered offenses not appearing in the classification schedule. There is no reason why he should not enter these in his register, but they must be omitted when he compiles Return A.

Crime Reporting in the United States Territories

Sec. 93. The following sections explain how uniform crime reporting will operate in Alaska, the Philippine Islands, Porto Rico, Hawaii, Canal Zone, and other United States territories and dependencies. Although the preceding sections of this chapter apply to these territories as well as to the states, certain major differences pervade their police procedures which require added consideration. In addition to great variations between one territory and another, all are in striking contrast with the states in matters of police organization. Variations in the methods of compiling the returns caused by these differences are now taken up separately for the more important of the territories. The District of Columbia requires no special comment as the reporting system will operate there just as in any city within state boundaries.

Alaska

Sec. 94. Alaska is at present the only incorporated territory of the United States. In so far as the administration of justice is concerned, the territory constitutes a federal judicial district. The district is divided into four divisions, each in charge of a federal district judge who is appointed by the president and senate. The district judges appoint commissioners for their divisions who are clothed with the same criminal jurisdiction as the United States commissioners.

To each of these four divisions, the United States Department of Justice assigns a marshal as the executive officer of the court. The marshals execute process and administer jails and prisoners. Appointed by them and under their direction are deputy marshals. The latter are constables ex officio and the executive officers of the commissioners' courts in the various towns and villages throughout the territory. These four marshals and their deputies constitute the police force of Alaska, enforcing both federal statutes and the Alaskan penal code. Although the laws for incorporating municipalities give the municipal councils power to provide for police protection and appoint a chief of police, as yet the policing of the territory falls almost entirely upon the marshals.

In view of the above, the four marshals are selected as the reporting agents for Alaska, each to be responsible for the returns of their respective divisions. Returns A, B, and C (Figures 1, 2, and 3) are to be prepared by them. For the time being a single return may include an entire division. It will not be long, however, before two or three of the largest cities will have attained a sufficient population to warrant compiling separate returns. At such time the Department of Justice will inform the marshal when and how he is to increase the number of returns.

If the deputy marshals do not already inform the marshal of all offenses reported to them and persons charged by them, they must do so in the future. Otherwise the marshal's returns will be incomplete. Care must be observed to prevent the duplication of an offense, because two or more deputies may know of and report the same offense. The marshal may find it convenient to maintain registers such as Figures 16 and 17, for entering the cases reported by his deputies. From these registers, or such other records as the marshal may employ, Returns A, B, and C are compiled, following the directions given in Sections 17 to 86. The classification schedule for Alaska is found in Section 225. When completed the marshals will forward the returns directly to the National Division of Identification and Information in the Department of Justice at Washington.

The Philippine Islands

Sec. 95. Upon the Philippine Constabulary must rest the burden of collecting and supervising the preparation of returns from all of the police units in the Islands. The constabulary is the only organization qualified for this task as the following conditions will indicate.

1. The constabulary, which is under the supreme command of the governor-general, is the central police agency for the Islands. In direct charge is the chief of constabulary who is appointed by the governor-general.

2. The constabulary has certain supervisory powers over all police units throughout the territory, in addition to policing the departments and other areas itself. It prescribes general rules and regulations, assists the municipal, township, and other provincial police units when necessary, and may take complete charge when the local units cannot cope with a situation.

3. In addition to making regular inspections of these various police units, the constabulary may demand from a local chief, reports concerning the operations of his force. It is on the basis of this power that the constabulary can require the preparation of crime returns for the Department of Justice.

Each municipal, township, departmental, and other local police unit is to prepare Returns A, B, and C (Figures 1, 2 and 3) according to the directions given in Sections 17 to 86. The Philippine Island schedule of the Uniform Classification of offenses is found in Section 225. These returns are sent to the chief of constabulary before or on the dates mentioned on the face of the return. The records bureau for the constabulary will inspect the returns for completeness and accuracy and forward all of them to the National Division of Identification and Information in the Department of Justice at Washington. Unsatisfactory returns should be sent back to the unit from which they come for correction.

The chief constable thereby becomes the supervisor of crime reporting throughout the Islands. The return forms and instructions forwarded by the Department of Justice will be distributed

by his records bureau to all police units. He must determine the responsibility for preparing returns in such manner that all jurisdictions will be covered by the returns and duplications prevented. In some areas the records bureau will need to install a system of rural reporting as described in Sections 87 to 92. Under this plan the constabulary records bureau will become a central crime recording agency for the entire territory, thus assuming a rôle similar to that of the state bureaus of identification and crime statistics (Section 15).

Porto Rico

Sec. 96. In Porto Rico there is but a single police authority to be concerned with the preparation of returns. This is the Insular Police of Porto Rico, which is charged with police protection throughout the entire island. The force is under the immediate control of a chief, though supreme authority is vested in the governor. Each municipality (in rural sections two or more municipalities) constitutes a police district under the direction of a district chief. The insular chief determines the organization of the district and the number of men assigned to it, at the same time holding the district chief strictly accountable for police duty in his district. With such a responsible police organization controlling the field, the task of obtaining crime returns is a simple one.

There is another factor which will greatly facilitate uniform crime reporting in Porto Rico. In the territorial Department of Justice and under the direction of the attorney-general of Porto Rico, is a Bureau of Judicial and Criminal Statistics. One of the duties of this bureau is to collect "criminal statistics which shall furnish the necessary data for ascertaining the growth of criminality in the country, examine causes thereof, and prescribe remedies." [3] To this end, the attorney-general is charged with preparing blank forms for the data and rules and regulations by means of which it can be collected. All justice and police officials are directed under penalty to fill out

[3] Compilation of the Revised Statutes and Codes of Porto Rico, 1911, Secs. 2343-2352.

the blanks and forward such other information as the attorney-general may require.

At the present time the annual reports of the attorney-general include considerable data on judicial statistics, but practically nothing on criminal statistics. The 1929 Porto Rican legislature evidently realized this deficiency, for it passed a law directing its Department of Justice to "prepare special statistics of the crimes of murder, manslaughter, attempt to kill, and assault with intent to commit homicide." [4] All that remains to complete these statutory requirements is for this bureau to adopt the system of uniform crime reporting here presented, subdividing the offense classes so as to comply with local requirements.

The Insular Police of Porto Rico will fill out Returns A, B, and C (Figures 1, 2, and 3) according to the directions given in Sections 17 to 86. The Porto Rican schedule of the Uniform Classification of offenses is found in Section 225. These returns can be compiled by each of the district chiefs for his respective district; or if the districts furnish the insular chief with reports of all offenses committed and persons charged, the returns can be compiled in the headquarters records bureau. The chief of the Insular Police may decide which plan is the more feasible. If the returns are compiled at headquarters, it is suggested that a separate return be devoted to each district. This will be of great value to the chief in revealing crime tendencies and the results obtained in each of his districts. With accurate information of this nature at his disposal, he can better detail his force as necessity requires.

When the returns are compiled and checked, the chief will forward them to the Bureau of Judicial and Criminal Statistics under the attorney-general. The returns will supply this bureau with the information concerning crime which is necessary to fulfill the statutory requirements. The bureau will then forward the returns to the National Division of Identification and Information in the Department of Justice at Washington. The Department of Justice will supply the bureau with return forms, instructions, and other necessary information.

[4] Laws 1929—No. 42, Sec. 7.

Territory of Hawaii

Sec. 97. The decentralized organization of police protection in Hawaii makes the collection of crime returns somewhat less simple than in the other territories. However, the territorial attorney-general and his subordinate, the high sheriff, are given such broad powers over police matters that they can require the county sheriffs to compile returns. By statute, the high sheriff is chief of police of the territory, but the elected county sheriffs and the sheriff of the City and County of Honolulu are also vested with powers and duties over their jurisdictions which are almost identical to those of the high sheriff. The county sheriffs appoint deputy sheriffs who are assigned to districts within the counties. In the City and County of Honolulu, the sheriff corresponds to a municipal chief of police.

There are two possible methods of collecting returns under these conditions. First, the high sheriff may compile the returns for the entire territory. Under this plan, the county sheriffs and all other police officers in the territory would forward to him detailed reports of all offenses committed, with the results secured, and in addition reports of persons charged with offenses. The high sheriff would then compile Returns A, B, and C (Figures 1, 2, and 3) according to the directions given in Sections 17 to 86, employing in this task the Hawaiian schedule of the Uniform Classification of offenses (Section 225). Separate returns should be made for each of the counties. Once the returns are compiled, they will be forwarded to the National Division of Identification and Information in the Department of Justice at Washington.

The alternative method of collecting the returns is to require the sheriffs of each county and of the City and County of Honolulu to compile them for their respective jurisdictions. Under this plan, the county sheriffs must preserve a record of all offenses committed within their respective counties, and the results of investigations. A record must also be kept of persons charged and the number found guilty. The sheriffs must then employ the directions in Sections 17 to 86, and the Uniform

Classification schedule for Hawaii, in compiling Returns A, B, and C. These returns will include offenses reported to and investigated by the high sheriff, in order that each return will represent the total number of offenses in the county. This also applies to persons charged by the high sheriff. The county sheriff will then forward the returns to the high sheriff for checking. Unsatisfactory returns should be sent back for correction. The high sheriff will then forward them to the Department of Justice in Washington.

The high sheriff must determine which of these plans is the more feasible. The decision should depend largely upon the extent to which he is now informed by the county sheriffs of offenses committed and persons charged. Perhaps he can use a combination of the two plans by having the City and County of Honolulu the only jurisdiction to compile its own return. Under either of these plans the high sheriff becomes the supervisor of crime reporting throughout the territory. In this undertaking the Hawaiian Board of Identification may be of assistance.

Canal Zone

Sec. 98. The police organization of the Canal Zone is so simple that the collection of crime returns can go forward without delay. The Canal Zone police force is solely responsible for policing the entire territory and therefore can be charged with the compilation of Returns A, B, and C (Figures 1, 2, and 3). In order that these returns may be complete, the chief of the police force must receive detailed reports of offenses committed, with the results secured, and in addition, reports of persons charged by them and found guilty for these offenses. From these reports, the chief will compile Returns A, B, and C according to the directions given in Sections 17 to 86, employing in this task the Canal Zone schedule of the Uniform Classification of offenses (Section 225).

It is suggested that separate returns be made for the districts of Balboa and Cristobal, thereby revealing any differences in the crime situation which may exist in these two major divisions

of the territory. When the returns are completed, they are forwarded to the National Division of Identification and Information in the Department of Justice at Washington.

Virgin Islands, Guam, Samoa

Sec. 99. The Virgin Islands, Guam, Samoa, and other small dependencies are not of sufficient importance to warrant the printing of detailed directions and classification schedules in this report. However, once the system is in operation in the states and larger territories, return forms and instructions will be forwarded to these minor possessions.

CHAPTER III

POLICE RECORD SYSTEMS

Sec. 100. As its title indicates, Chapter II is a manual of instructions by means of which the police can compile uniform crime returns. In effect, it establishes a national system of crime statistics. Chapter III, on the other hand, merely indicates how the police may adjust their record systems so that the data for the returns may be readily forthcoming. Its contents will therefore be of interest chiefly to those police forces which do not now maintain records from which the necessary facts may be derived. Examination of the returns described in the preceding chapter will inform a police department whether its present record system will furnish the facts called for. Many departments will need to make few or no adjustments in their record forms. By adopting the proper schedule of the Uniform Classification (Section 225) and the instructions for compiling returns (Chapter II), such departments will be fully prepared to make the returns.

Effect of Police Organization Upon Record System

Sec. 101. Police organizations vary widely in the number of bureaus and divisions, the number of districts (precincts), in detective organization, size of force, the layout of headquarter's offices, communication systems, and so forth. Any or all of these may prove to be important factors in determining which records procedure will prove best adapted to local needs. Practical considerations prohibit a description of procedure for all possible types. There are, however, four general types which affect the system of recording offenses known to the police (Figure 6). The chief points of distinction between these types

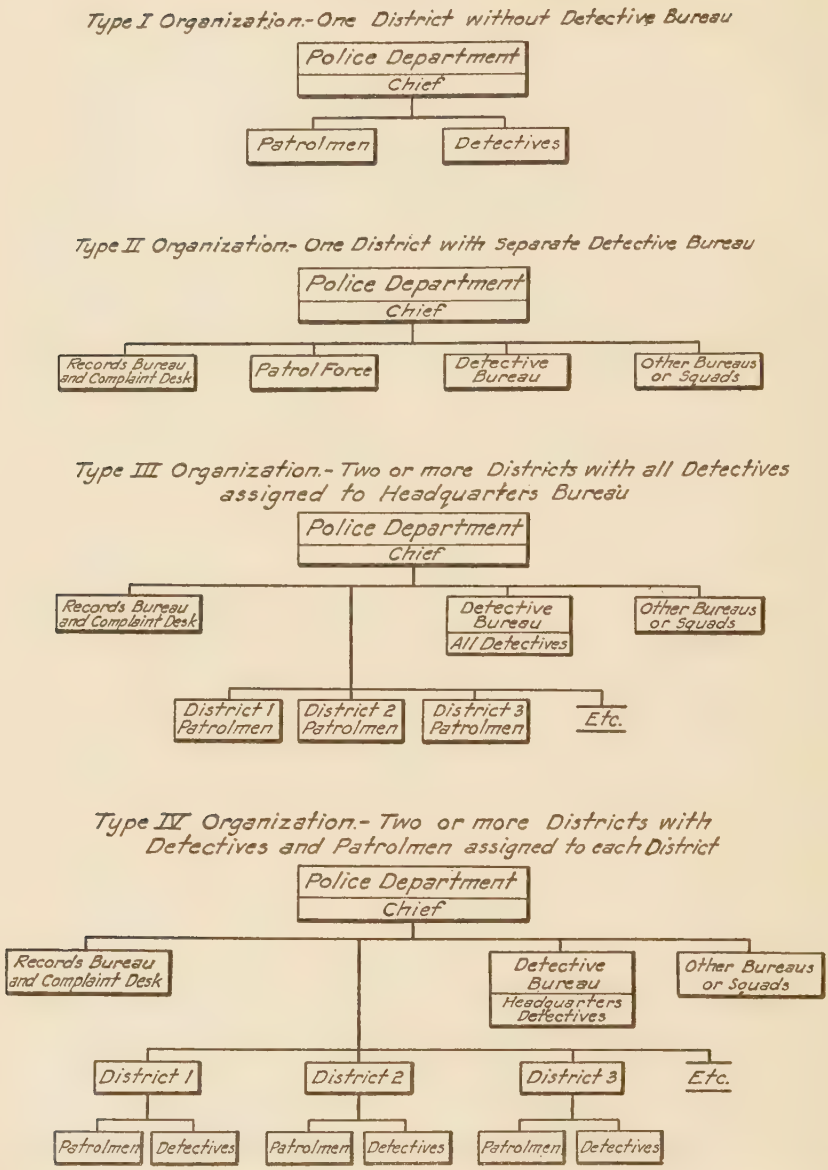

FIGURE 6. Four General Types of Police Organization which Affect Record Forms and Procedure

consist in the method of organization and in the number of police districts into which the city is divided. Due to these differences, the directions which follow for recording offenses explain how forms might be routed under these four types.

Likewise, the method of recording persons charged is materially affected by differences in organization and local practice. Of special importance is the variation in the number of places at which prisoners are booked. The directions for recording persons charged are therefore divided into two parts, the one applying to departments which register prisoners at one place (as in most Type I and Type II departments), the other to departments registering prisoners at two or more places (as in most Type III and Type IV departments). A department should therefore select the forms and routing for the type of organization which most resembles its own and make such additional adjustments as are necessary to fit them to local conditions.[1]

Records for Type I Organizations

Sec. 102. In Type I, both patrolmen and detectives (if any) are under the direct and immediate supervision of the chief of police; all prisoners are registered at one point. Two alternative systems are designed for places of this type. Towns, villages, and small cities with a population of ten to twenty thousand inhabitants or under do not require such varied record forms as the larger communities. These small places may ignore other recommendations in this chapter and turn directly to Sections 129 to 131, where a short and simple system is outlined. In addition to these sections, larger cities with Type I organization should refer to Sections 106 to 112, 116, 120 to 121, and 127 for sample forms and a detailed description of their use.

Records for Type II Organizations

Sec. 103. Type II organization is similar to Type I except that detectives constitute a separate bureau or squad under the

[1] The forms and procedure here described are based upon the best practices of American and foreign police forces.

direct and immediate supervision of a detective chief. In the majority of cases, prisoners will be registered at one place. For this type, Sections 106 to 115, 117, 120 to 125, and 127 should be consulted.

Records for Type III Organizations

Sec. 104. Type III differs from Type II in that the patrol force is assigned to two or more districts and prisoners are generally registered at more than one place. As in Type II, all detectives are at headquarters and under the supervision of a detective chief. Refer to Sections 106 to 115, 118, 120 to 126, and 128 for the Type III records system.

Records for Type IV Organizations

Sec. 105. Type IV goes one step further by placing detective units in the district stations. Generally a headquarters squad of detectives will supplement the district detectives in special cases. Prisoners are registered at more than one place. For the Type IV records system refer to Sections 106 to 115, 119, 120 to 126, and 128.

Headquarters Control of Records

Sec. 106. Headquarters control over records is essential for an effectively operated system and for accurate returns to the Department of Justice. By headquarters control is meant the general supervision of records from one point, such as the chief's office in small cities, or from a central records bureau in larger cities. It has the following advantages over a decentralized system:

1. It places the chief in a better position for administering the force by virtue of his greater control over the record of its activities.

2. Districts or other units can not so easily conceal or withhold reports of offenses or other similar matters.

3. The elimination of many duplications in record keeping is made possible.

SERIAL NO. | DISTRICT NO. | **OFFENSE REPORT** Police Department CITY OF ..... | NAME OF COMPLAINANT

ADDRESS

OFFENSE AS REPORTED | AFTER INVESTIGATION CHANGED TO | BUSINESS TELEPHONE | HOME TELEPHONE

PLACE OF OCCURRENCE | PERSON REPORTING OFFENSE (If not complainant) | ADDRESS

OFFICER ON BEAT | BEAT NO. | INVESTIGATED BY DETECTIVE ☐ PATROLMAN ☐ | OFFICERS ASSIGNED TO CASE | REPORT RECEIVED BY | DIST. | OFFENSE REPORTED: In Person ☐ Telephone ☐ Letter ☐ Police Officer ☐ On View Arrest ☐

DETAILS OF OFFENSE (State fully the person or property attacked, means of attack, instruments used, time of occurrence, and all other circumstances of the offense and its investigation.)

AT ..... A.M. P.M. ..... 19.....

CASE FILE YES ☐ NO ☐

This offense is declared { UNFOUNDED ☐ INACTIVE (Not cleared) ☐ CLEARED BY ARREST ☐ } Date ..... 19... Signed ..... (*Chief or commanding officer*)

FIGURE 7. Offense Report—Front (7″ x 9¼″)

QUANTITY	PROPERTY STOLEN (Use a standard description)	ESTIMATED VALUE	RECOVERED	
			DATE	VALUE

BY WHOM RECOVERED	OWNER NOTIFIED BY	TIME ..... A.M. P.M. .....19..	TOTAL VALUE STOLEN $	TOTAL VALUE RECOVERED $

I hereby acknowledge receipt of the above recovered articles delivered to me by ..... *Signed*.....

DESCRIPTION OF SUSPECTS OR PERSONS WANTED

NAME IF KNOWN	ALIAS	ADDRESS	SEX	COLOR	AGE	HEIGHT	WEIGHT	COLOR EYES	COLOR HAIR	COMPLEXION
BEARD	NATIVITY	OCCUPATION	DRESS AND OTHER MARKS			WHY SUSPECTED OR WANTED				
NAME IF KNOWN	ALIAS	ADDRESS	SEX	COLOR	AGE	HEIGHT	WEIGHT	COLOR EYES	COLOR HAIR	COMPLEXION
BEARD	NATIVITY	OCCUPATION	DRESS AND OTHER MARKS			WHY SUSPECTED OR WANTED				
NAME IF KNOWN	ALIAS	ADDRESS	SEX	COLOR	AGE	HEIGHT	WEIGHT	COLOR EYES	COLOR HAIR	COMPLEXION
BEARD	NATIVITY	OCCUPATION	DRESS AND OTHER MARKS			WHY SUSPECTED OR WANTED				

NAME OF PERSON ARRESTED	ARREST NO.	NAME OF PERSON ARRESTED	ARREST NO.	NAME OF PERSON ARRESTED	ARREST NO.

FIGURE 7. Reverse

4. It facilitates the use of high-grade clerks who are responsible for the records, thereby improving all phases of record keeping and releasing police officers for more hours of actual police duty.

5. It greatly simplifies the compilation and increases the accuracy of Returns A, B, and C and such other statistics as the department may compile.

On the other hand, divided responsibility may impair the accuracy and completeness of the records and obstruct the proper supervision of police activities.

1. It provides no check on the accuracy and completeness of individual reports. Only a strict accounting will prevent offenses being concealed in the district or officers becoming careless in making reports.

2. Without headquarters control the Uniform Classification, Instructions for Scoring Offenses, and other necessary rules are difficult to apply.

3. It hampers real coordination between detective and district operations or between identification and general records.

4. Close administrative supervision of the police department by the chief and his aides becomes difficult.

Police districts and detective bureaus alike become negligent in their operations if they do not account in detail for investigations and dispositions. District and bureau reports which merely summarize these facts provide no means of control. To supply this control in so far as it affects Uniform Crime Reporting, a headquarters record agency must receive:

1. Individual reports of all offenses
2. The results of their investigation
3. Facts concerning persons apprehended
4. The disposition of such persons.

The manner in which headquarters control may be applied depends upon the organization of the police department. The detailed directions for routing forms under the several types of organization indicate the exact rôle which it plays in recording offenses and persons charged. (Also see Figure 6.)

Central Complaint and Information Desk

Sec. 107. The term "complaint desk" as used in Figure 6, refers to that portion of the records bureau through which criminal complaints or reports may clear and in addition, such general business as may be carried on between the police and the public. Such a desk should provide an accessible point at which both police officers and the public may enter complaints, obtain information, and transact official business. Serving as the clearing house for records and other business, the complaint desk is a vital factor in coordinating the several police bureaus and districts. In small places no such desk is necessary as the chief or his aides can perform all of its functions.

Procedure for Recording Offenses Known to the Police

Sec. 108. Separate record forms must provide for three distinct steps in the recording and compiling of offenses. There must be:

1. Records for the original entry showing that a crime has been committed (offense reports)
2. Reports of investigations and results secured (supplementary reports)
3. Some convenient means for compiling totals, such as tally sheets, master sheets, or tabulating cards.

The forms representing these three steps are now described separately and in order.

The Offense Report—Figure 7

Sec. 109. The offense report (Figure 7) is proposed for the original entry of facts about a crime when brought to the department's attention. It serves as the first formal record of the offense and the working sheet of the officer assigned to the case.

Two general types of offenses should be reported on this form:

1. All offenses described in Part I of the Uniform Classification, whether they come to the attention of the police by means of citizens' complaints, the reports of police officers, as

SERIAL NO. | DISTRICT NO.

AUTO THEFT REPORT
Police Department
CITY OF .....

NAME OF COMPLAINANT

ADDRESS

OFFENSE AS REPORTED | AFTER INVESTIGATION CHANGED TO

BUSINESS TELEPHONE | HOME TELEPHONE

PLACE OF OCCURRENCE

REPORT RECEIVED BY | DIST.

TIME AND DATE OCCURRED ..... A.M. P.M. ..... 19.....

PERSON REPORTING OFFENSE (If not complainant) ADDRESS

OFFENSE REPORTED:
In Person ☐
Telephone ☐
Letter ☐
Police Officer ☐
On View Arrest ☐

PATROLMAN ON BEAT | BEAT NO. | INVESTIGATED BY DETECTIVE ☐ PATROLMAN ☐ | OFFICERS ASSIGNED TO CASE

AT ..... A.M. P.M. ..... 19....

MAKE OF CAR ..... LICENSE NO. ..... MOTOR NO. .....

FACTORY NO. ..... BODY NO. ..... TRANSMISSION NO. ..... STARTER NO. .....

GENERATOR NO. ..... FRONT AXLE NO. ..... REAR AXLE NO. ..... FRAME NO. .....

STYLE ..... YEAR MODEL ..... COLOR ..... WHEELS .....

R. F. TIRE ..... L. F. TIRE ..... R. R. TIRE ..... L. R. TIRE ..... EXTRA TIRES .....

CYLINDERS ..... INSURED BY ..... VALUE $ .....

OTHER IDENTIFYING CHARACTERISTICS

DETAILS OF OFFENSE:

CASE FILE
YES ☐ NO ☐

This offense is declared { UNFOUNDED ☐ / INACTIVE (Not cleared) ☐ / CLEARED BY ARREST ☐ }

Date ..... 19... Signed .....
(Chief or commanding officer)

FIGURE 8. Report of Stolen Automobile—Front (7″ x 9¼″)

NAMES OF PERSONS ARRESTED	ARREST NO.	NAMES OF PERSONS ARRESTED	ARREST NO.	NAMES OF PERSONS ARRESTED	ARREST NO.

AUTO RECOVERED AT	TIME .... A.M. P.M. .....19....	RECOVERED BY	CAR TAKEN TO
OWNER NOTIFIED BY	TIME .... A.M. P.M. ..... 19....	CONDITION OF CAR	

I hereby acknowledge recovery and receipt of the above described vehicle delivered to me

By ..... Signed .....

FIGURE 8. Reverse

the result of "on view" ("pick-up") arrests, reports to other agencies (sheriff, prosecutor, judge, etc.), or otherwise.

2. In addition, any offenses in Part II of the Uniform Classification, which are reported to the police *and require investigation.* This is desirable in order to provide a complete central record of cases investigated, although no tabulation or return to the Department of Justice will be necessary.

Offenses reported to the police by civilians offer no difficulties since the forms are made out as a matter of course when the complaint is made. Failure to record offenses is more apt to occur when they come to the attention of the officer on his beat. With a few exceptions, police departments do not now include "on view" arrests in the records of known offenses. If the offense record is to be complete, all apprehensions of this nature must be transferred to offense reports. The name of persons arrested can be posted at the same time.

The use of the offense report in connection with all investigations is exactly the same, no matter whether the offense committed belongs to Part I or Part II of the Uniform Classification of offenses.

When the case is closed, either as an unfounded, inactive, or cleared offense, the disposition is checked at the bottom of the report. This facilitates the compiling of Return B and the making of other analyses of offenses.

A separate offense report should be filled out for each distinct offense as determined by the Instructions for Scoring Offenses (Sections 37 to 40). The titled spaces are used to suggest important items about the offense which otherwise might be overlooked. They also greatly simplify the tabulation of facts about the offense.

Police departments will generally need pads of the forms bound in duplicate—the original copy to be printed on thin stock and the duplicate on heavy stock for permanent filing. The original copy will be referred to hereafter as "Copy No. 1" and the duplicate as "Copy No. 2". The size of the form, number of copies, or arrangement of captions may be altered to meet

local conditions. For example, Type IV departments may require the forms bound in triplicate.

Offense reports, and as well any permanent report, should preferably be filled in by typewriter. This permits the use of carbon paper for duplicate copies and a clearer record. All duplicate offense reports will be filed together forming one consecutive series for all offenses known to the police.

Sec. 110. Figure 7 is suitable for recording offenses in all but the smaller communities.[2] As the volume of offenses increases in the larger cities, the addition of reports for recording special types of offenses becomes desirable. Take for example auto thefts. Cities having a considerable number of auto thefts might use a special stolen automobile report (Figure 8). Likewise, cities which have a sufficient number of homicides may enter them on a special report (Figure 9).

In unusual cases, special forms for robberies and burglaries might also be added. Such additions, however, represent refinements of the offense report and are not to be considered essential to a sound system. Wherever special forms of this character (for homicides, auto thefts, robberies, burglaries, etc.) are installed, their operation will be identical with that of the offense report. One file should be maintained with consecutive serial numbers for all reports. They are referred to collectively as "offense reports" in the pages which follow.

Supplementary Offense Report—Figure 10

Sec. 111. The supplementary offense report (Figure 10) is used for recording the results of investigation. It is prepared by the officer or officers assigned to the case as a means for reporting progress, and is first submitted to the chief of detectives or other supervisor of investigations. It may also be used by others who have occasion to enter certain facts in addition to those appearing on the offense report.

It follows from this that there may be several supplementary

[2] A brief and simple system, suitable for small cities and villages, is found in Sections 129 to 131.

SERIAL NO. | DISTRICT NO. | HOMICIDE REPORT | NAME OF PERSON KILLED

POLICE DEPARTMENT—CITY OF _____

OFFENSE AS REPORTED | AFTER INVESTIGATION CHANGED TO | ADDRESS

PLACE OF OCCURRENCE | AGE | SEX M F ☐ ☐ | COLOR W C O ☐ ☐ ☐ | NATIONALITY | MARRIED ☐ SINGLE ☐

CHARACTER OF PREMISES | LICENSE NO. | REPORTED BY | ADDRESS | TEL. NO.

TIME AND DATE OCCURRED A.M. P.M. .....19.... | PATROLMAN ON BEAT | BEAT NO. | OFFICERS ASSIGNED TO CASE | REPORT RECEIVED BY | AT.. A.M. P.M. 19

DESCRIPTION OF UNIDENTIFIED DEAD

Age	Height	Weight	Color Eyes	Color Hair	Beard	Complexion	Identifying Marks, Scars, etc.	Clothing	Significant Possession

DETAILS OF OFFENSE (Give circumstances of occurrence of offense and its investigation)

CASE FILE YES ☐ NO ☐

This offense is declared { UNFOUNDED ☐ / INACTIVE (Not Cleared) ☐ / CLEARED BY ARREST ☐ }

Date ..... 19... Signed ....

(Chief or Commanding Officer)

FIGURE 9. Homicide Report—Front (7″ x 9¼″)

(ADDITIONAL DETAILS)

CORONER NOTIFIED	NAME OF CORONER ATTENDING TIME OF ARRIVAL .... A.M. P.M.	NAME OF PROSECUTOR ATTENDING TIME OF ARRIVAL.... A.M. P.M.

BODY PRONOUNCED DEAD FOR....HOURS, AT .... A.M. P.M. BY	PHYSICIAN	ADDRESS	PERSONS WITH WHOM ACCUSED LIVED OR ASSOCIATED

WITNESSES TAKEN INTO CUSTODY	ADDRESS	WITNESSES NOT TAKEN INTO CUSTODY	ADDRESS

KNOWN, SUSPECTED, OR POSSIBLE MOTIVES

DESCRIPTION OF SUSPECTS OR PERSONS WANTED

NAME IF KNOWN	ALIAS	ADDRESS	SEX	COLOR	AGE	HEIGHT	WEIGHT	COLOR EYES	COLOR HAIR	COMPLEXION
BEARD	NATIVITY	OCCUPATION	DRESS AND OTHER MARKS			CAUSE FOR SUSPICION				
NAME IF KNOWN	ALIAS	ADDRESS	SEX	COLOR	AGE	HEIGHT	WEIGHT	COLOR EYES	COLOR HAIR	COMPLEXION
BEARD	NATIVITY	OCCUPATION	DRESS AND OTHER MARKS			CAUSE FOR SUSPICION				
NAME IF KNOWN	ALIAS	ADDRESS	SEX	COLOR	AGE	HEIGHT	WEIGHT	COLOR EYES	COLOR HAIR	COMPLEXION
BEARD	NATIVITY	OCCUPATION	DRESS AND OTHER MARKS			CAUSE FOR SUSPICION				

NAME OF PERSON ARRESTED	ARREST NO.	NAME OF PERSON ARRESTED	ARREST NO.	NAME OF PERSON ARRESTED	ARREST NO.

FIGURE 9. Reverse

offense reports concerning a single offense, each dealing with one or more of the following:

1. Statements by investigating officers on the progress of the case. These may be submitted at regular intervals while the case is under investigation; when special developments occur; or upon the demand of the supervising officer. Such statements may include suspects, persons apprehended, property recoveries, and the like.

2. Statements by investigating officers that the report of the offense appears to be unfounded. The case should not be declared "unfounded" until approved by the chief or his authorized deputy.

3. When the investigating officer has not been able to make substantial progress and recommends that the case be declared "inactive" (not cleared). In such event, the recommendation should carry the approval of his commanding officer. A case therefore remains open until the chief of police or detectives or the district commander countersigns the officer's recommendation that it be declared "inactive," or until closed by clearance of the case by arrest of the offender. In this way active investigation is not discontinued without a review of the case by the commanding officer in charge. The investigating officer should be required to state fully his reasons for dropping the case.

4. When additional facts concerning the case come to the attention of the investigating officer or any other member of the police department.

Blank copies of the supplementary reports should be available at all district stations, substations, and headquarters bureaus for use as occasion may require. A thin stock similar to Copy No. 1 of the offense reports is most suitable. The supplementary reports are bound in single copies (without duplicates).

The Case Folder

Sec. 112. The offense reports, supplementary offense reports, letters, telegrams, and other related papers which accumulate in the course of investigations should be preserved in the

SERIAL NO.

DISTRICT NO.

SUPPLEMENTARY OFFENSE REPORT

POLICE DEPARTMENT

CITY OF _____

NAME OF COMPLAINANT

OFFENSE

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC:—
(Investigating Officer should sign)

DATE..... 19.....

(Use reverse for Additional Details)

I recommend this case be declared { UNFOUNDED ☐ / INACTIVE (Not cleared) ☐ / CLEARED BY ARREST ☐ }

Signed.....
(Investigating Officer)

Case declared { INACTIVE (Not cleared) ☐ / UNFOUNDED ☐ }

Signed.....
(Chief or Commanding Officer)

This form is used by detectives and patrolmen assigned to a case:
1. For additional facts, confessions, evidence, etc.
2. When significant developments occur.
3. To report progress after three and seven days and weekly thereafter.
4. When commanding officer requests exact status of case.

When case is closed this report (with other case materials) is forwarded to records bureau for Case Folder.

FIGURE 10. Supplementary Offense Report (7″ × 9¼″)

records bureau. The case folder serves this purpose. When a case is cleared, or declared inactive or unfounded, all of the above mentioned material is forwarded to the police records bureau by the authority who has been surpervising the investigation. There it is clipped together and placed in a folder, or it may be stapled between manila covers by means of a patent fastener. The folder or cover should be marked with the serial number of the offense report and the name of the complainant. To avoid loss the serial number may be noted on all papers inclosed. The case folders are best filed by the serial number of the offense.

If there is no accumulation of supplementary reports, papers, etc., or if the information so accumulated can be posted to the offense report, a case folder is unnecessary.

The file for the case folder should not be confused with the file of offense reports. The latter is restricted to the duplicate copies and must be complete for all known offenses in Part I of the Uniform Classification and for citizens' complaints concerning offenses in Part II. Case folders will exist for only a small part of the offense reports and so there will be wide gaps in serial numbers in the case file. The serial numbers of the offense report file will be complete.

Detective Assignment Record—Figure 11

Sec. 113. The Detective Assignment Record (Figure 11) applies only to Type II, III, and IV organizations in which a detective chief or other supervisory officer assigns cases (See Figure 6). It is designed principally for the chief of detectives as a basis for assigning cases. The facts of every case to be investigated are posted on the individual record of the detective assigned. When a case is closed the results are posted to it.

The detective assignment record is exceedingly useful in making assignments. The commanding officer will always know how many open cases each officer is investigating. Cases can be assigned on the basis of aptitude, for the record will show the proficiency of detectives in working on particular types of crimes. Likewise, this record will show which detectives are incompe-

DETECTIVE ASSIGNMENT RECORD

..... (Detective) POLICE DEPARTMENT CITY OF _____

SERIAL NO.	DATE ASSIGNED	TIME ASSIGNED	NAME OF COMPLAINANT (Title of Case)	OFFENSE	SUSPECT KNOWN	DATE CASE CLOSED OR DECLARED INACTIVE	UNFOUNDED	NOT CLEARED	CLEARED BY ARREST	DATES OF SUPPLEMENTARY OFFENSE REPORTS			

FIGURE 11. Detective Assignment Record (8½″ x 11″)

tent and thus serve as a basis for returning them to the uniformed force.

If the record is printed on heavy stock it can be handled easily and filed in a vertical drawer file. It is filed by name of detective.

Master Sheet for Disposition of Offenses—Figure 12

Sec. 114. In communities of small or moderate size (100,000 inhabitants or less) the most practical method for compiling offenses and police dispositions is by tally (See Sections 85 and 86). In the larger cities the need for supplementing the tally with master sheets and tabulating (punch) cards, increases in proportion to their size. Tabulating cards are particularly useful for analyzing the circumstances of the offense (modus operandi) and are recommended for that purpose; but their value for compiling offenses and dispositions is limited.

For compiling offenses and dispositions in the larger cities, the use of a master sheet (Figure 12) is suggested. This master sheet practically amounts to a daily tally. The titles of the offense classes (Part I of the Uniform Classification) are best filled in by hand, thereby permitting separate analyses of particular offenses within a class or a summary of all or groups of Part I classes for each police district (precinct). In the larger cities each district may be compiled on separate master sheets, adding them together to obtain the results for the entire city.

The holes in the left margin and the columnar titles at the bottom of the form make it possible to arrange the sheets in a binder according to visible index style. In actual practice the sheets will be considerably larger than Figure 12. The binder must be higher than the sheet. The same system can be applied to master sheets for compiling other facts about offenses.

The number of known offenses and unfounded reports to be listed in Return A (Figure 1) is obtained for each offense class from the total of Columns 2 and 3 respectively. The facts for Return B (Figure 2) are obtained by adding the totals from the twelve monthly master sheets. The number of not cleared offenses to be entered in Column 5 of Return B is obtained by taking the difference between pending cases at the beginning and

MASTER SHEET FOR
POLICE DISPOSITION OF OFFENSES

Month of _____ 19__

Date (1)	Murder & Non-Negligent Mans. Known Offenses (2)	Pending (3)	Unfounded (4)	Not Cleared (5)	Cleared by Arrest (6)	Manslaughter By Negligence Known Offenses (2)	Pending (3)	Unfounded (4)	Not Cleared (5)	Cleared by Arrest (6)	Rape Known Offenses (2)	Pending (3)
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
16												
17												
18												
19												
20												
21												
22												
23												
24												
25												
26												
27												
28												
29												
30												
31												
Total												

FIGURE 12. Master Sheet for Compiling Offenses and their Disposition

end of the year and adding it to (or subtracting it from) the not cleared cases.

If a city does not follow a regular procedure for closing cases or declaring cases inactive, the not cleared Column 4 can be eliminated by listing all such cases as "pending." The "pending" column will then start afresh each year.

The master sheet will not furnish separately from Column 4 the facts for Column 6 of Return B since a case reported in a previous year is entered as a cleared case on the master sheet the day actually cleared. This procedure is satisfactory so long as all cases cleared during the calendar year are included.

Instructions for Using the Master Sheet

Sec. 115. The method of using Figure 12 for compiling offenses and their disposition is described in the following outline:

I. The information to be posted to master sheet is obtained from the offense reports. Follow Instructions for Scoring Offenses (Sections 37 to 40).

A. The reports of offenses occurring during the past twenty-four hours ("on view" arrests, etc., included) are sorted into the various offense classes, using the classification schedule for your state as a guide.

1. Taking each class in turn, the number of offenses is entered in Column 2 opposite the proper date; or

2. Instead of sorting and counting, each offense may be tallied in Column 2 and the total of the tally marks inserted in a large figure over them.

B. All offense reports which have been closed, that is, declared "unfounded," "cleared by arrest" or "inactive" (not cleared), during the past twenty-four hours are next sorted by class. This will normally include some offense reports entered under item A above.

1. If the offense originally placed on the offense report and entered on the master sheet as in item A-1 above is found to be incorrect, adjustments are now made. One offense is subtracted in today's entries in Column 2 from the same class in which the offense was originally entered and one added to today's entries in the class of offense as revised. If the revised offense falls in the same class, no adjustment is necessary. Similarly, offenses previously entered in Column 5 as not cleared,

but which are now cleared, are adjusted by subtracting from Column 5 and adding to Column 6. All adjustments are made in the figures for the day in which the error or change is discovered and not for the day when originally entered.

2. The reports for each class are next sorted for Columns 4, 5, and 6 and the totals entered in these columns.
3. The number of cases pending disposition is now entered in Column 3. This is the total number of known offenses which have not as yet been closed and entered in Columns 4, 5, or 6. The columns are in balance at all times as the sum of Columns 4, 5, and 6 must always equal Column 2, plus or minus the difference in number of cases pending since the preceding day.

Recording Offenses in Type I Organizations

Sec. 116. The following directions explain the routing of offense record forms in Type I cities (See Figure 6). Small places of this type (under ten to twenty thousand inhabitants) should consult Sections 129 to 131 for a still more simple system. Cities of intermediate size may find a combination of the two systems to be the most practical.

The forms employed in these directions for Type I cities are:

1. Offense report (Figure 7)—Bound in duplicate (See Section 109).
2. If sufficient cases, auto theft report (Figure 8)—Bound as offense report (See Section 110).
3. Supplementary offense report (Figure 10)—In most Type I cities blank sheets of same size as the offense report will be entirely sufficient for supplementary reports (Section 111).
4. The case folder (Section 112).

Directions for Routing Forms

I. The offense report is filled out in duplicate at headquarters when an offense is reported by a citizen, police officer, or otherwise. The serial number is posted, care being observed to have one series of numbers no matter what the offense.

A. Copy No. 2 (the duplicate) remains in the chief's office.

1. The serial number on the report is cross-indexed by complainant and in a large city also by place of occurrence

(street and number); 3″ x 5″ cards are suitable for this purpose. The serial number is also posted to the arrest record (Figure 13) if the offender is apprehended.

2. Copy No. 2 is placed in pending file in order of serial number.

B. Copy No. 1 is given to the officer who is to investigate the case.

1. The officer carries this copy as his working sheet.
2. Officer notes on copy changes in facts, persons arrested, and final disposition of case. Particular care must be taken to change description of the offense if originally reported inaccurately.
3. Supplementary offense reports will not have extensive use in Type I departments, for the chief can give personal attention to many of the investigations. Their primary use will be in recording additional facts, investigation activities, etc.

C. When case is completed, Copy No. 1 and all papers relating to the crime are turned over to the records clerk for review and permanent filing. Copy No. 2 is taken from the pending file and posted with the disposition and summary of the investigation with such changed facts as may be shown on Copy No. 1. Copy No. 2 is filed by serial number in the permanent offense report file.

II. If supplementary reports, papers, and other materials requiring preservation have been collected in the course of the investigation, they are attached to Copy No. 1 of the offense report and placed in a case folder. If all important facts of the offense and its investigation can be posted to Copy No. 2, a case folder is unnecessary. In this event Copy No. 1 may be destroyed.

III. Offense reports are also made out when the police learn of an offense in Part I of the Uniform Classification other than by means of a citizen's complaint or report of police officer. The file must be complete for all known offenses as defined in Sections 19 to 26. This file includes only those offenses in Part II of the Uniform Classification which are reported to the police for investigation.

A. "On view" ("pick-up") arrests. These are posted when the arrest records are received at the records bureau. Where two or more arrests relate to but one offense, only one offense report is filled out. If a summons or notice is served for a Part I offense, an offense report must also be made out.

B. Confessions to unreported crimes. Persons already in custody may confess to such offenses. The offense should be verified before making a report.

C. Offenses occurring within the police jurisdiction but reported to sheriff, prosecutor, judge, county police, or other official. These officials should be urged to refer to the police all persons reporting an offense. Such offenses as are not referred must be obtained directly from these officials by the police. All such reports should be compared to prevent duplication.

Recording Offenses in Type II Organizations

Sec. 117. By placing the detective, patrol, and other branches of the force under separate supervision, Type II departments (Figure 6) create a record problem differing from Type I. The records must coordinate the work of these separate bureaus or units, at least in so far as the investigation of offenses is concerned. A central records bureau with a complaint desk is the focal point of this coordination (Sections 106 and 107).

If the uniformed force is housed in a station quite separate from detective and headquarters offices, the routing will conform more closely to that found under Directions for Routing Forms in Type III organization (Section 118).

The forms employed in these directions are:

1. Offense report (Figure 7). These are bound in
   a. Pads of original and duplicate copies bound alternately (Section 109)
   b. Pads of No. 1 Copies (originals) for replacing officers' copies which may become mutilated in course of the investigation
   c. Pads of No. 2 Copies (duplicates) bound singly for entering known offenses which do not require investigation, as in "on view" arrests.
2. Auto theft report (Figure 8). Bound as offense reports.
3. If sufficient cases, homicide report (Figure 9). Bound as offense reports
4. Supplementary offense report (Figure 10)
5. Detective assignment record (Figure 11)

6. The case folder (Section 112)
7. Master sheet for disposition of offenses (Figure 12)

Directions for Routing Forms

I. The offense report (Figures 7, 8, and 9) is filled out in duplicate at the headquarters complaint desk when an offense is reported by a citizen, police officer, or otherwise.

A. The serial number is posted, care being observed to have one series of numbers no matter what the offense.

B. Copy No. 2, the duplicate, is the permanent records bureau copy. By remaining in the records bureau it controls the case from headquarters.

1. The serial number of the offense is cross-indexed by complainant and by place of occurrence (street and number); 3″ x 5″ cards are suitable for this purpose. Serial number is also posted to record of arrest (Figure 13) if the offender is apprehended.

2. If master sheets (Figure 12) are used, these No. 2 copies (and also offense reports made out as instructed in Subdivision IV below) are accumulated for twenty-four hours and posted to them. The total of these reports represents the number of offenses known to the police. (See instructions for using master sheet in Section 115.) If a daily or morning report is compiled it is posted at this time.

3. Copy No. 2 is then placed in a pending file in order of serial number.

C. Copy No. 1, the original, goes to the detective bureau or patrol force, depending upon which is to handle the case.

II. Employ the following procedure if detective bureau handles the investigation:

A. Chief of detectives assigns case using the detective assignment record (Figure 11). He gives the investigating officer Copy No. 1 of the offense report for his working sheet.

1. Investigating officer notes changes in facts, names of persons arrested, and final disposition of case. Particular care must be taken to change description of the offense if originally reported inaccurately.

2. Supplementary offense reports (Figure 10) are used for reporting progress and other facts relative to the investigation. See instructions in Section 111 above.

3. When case is completed, Copy No. 1 and all papers relating to the investigation are turned in to the chief

of detectives. If Copy No. 1 is mutilated, a new one is made out from pad of No. 1 Copies.

B. Chief of detectives makes a final review of case.

1. The disposition is recorded on the detective's assignment record.

2. No. 1 Copy, supplementary reports, and any other papers and materials, are gathered and checked for the case folder. These are all forwarded to the records bureau.

C. When Copy No. 1 (and case folder materials) reaches the records bureau, Copy No. 2 is taken from pending file and posted with the disposition and any changed facts.

1. If master sheets are employed, the No. 2 Copies are accumulated for twenty-four hours before permanent filing so that the disposition of the offense may be posted to them. (See directions for using master sheet in Section 115.) If address where offense took place or name of complainant has been changed, the 3″ x 5″ cross-index cards must be revised accordingly.

2. The No. 2 Copies are now filed by serial number in the permanent file of offense reports (not the case folder).

3. The materials for the case folder are attached to Copy No. 1 and filed by serial number as described in Section 112.

4. If there are no case file materials and all important facts can be posted to Copy No. 2, a case folder is unnecessary and Copy No. 1 may be destroyed.

III. Employ the following procedure if Copy No. 1 goes to patrol force for investigation:

A. Commanding officer assigns the case giving copy to patrolman as his working sheet. Commanding officer can account for investigations in one of the following ways:

1. If the pending file of the No. 2 Copies is nearby, he may inspect it as often as is necessary to check up on investigations. Cases of the detective and the uniformed force might be placed separately in the file.

2. A simple register with columns somewhat similar to those on the detective assignment record (Figure 11) may be used. It would need the addition of a column for "officer assigned" after "time assigned." All cases should be posted to the register in the order of the serial numbers.

3. An additional copy of the offense report may be filled out and kept in a pending file on his desk.

4. If there were sufficient cases, assignment records similar to Figure 11 might be maintained for each patrol officer.

B. Patrolman keeps Copy No. 1 until case is disposed of. The remaining steps are similar to those outlined for detectives under Subdivision II-A of this section, with the exception that Copy No. 1 goes to the patrolman's commanding officer rather than to the chief of detectives.

C. Commanding officer makes final review of cases.

1. The disposition is posted to the register, assignment record, or other means by which the case is controlled.
2. Copy No. 1 and all materials for the case folder are forwarded to the records bureau and the same procedure followed as outlined in this section under Subdivision II-B, item 2; and in the items under Subdivision II-C.

IV. Offense reports are also made out when the police learn of an offense in Part I of the Uniform Classification other than by means of a citizen's complaint or report of police officer. The file must be complete for all known offenses as defined in Sections 19 to 26. This file includes only those offenses in Part II of the Uniform Classification which are reported to the police for investigation. Include the following:

A. "On view" ("pick-up") arrests. These are posted when the arrest records are received at the records bureau. Where two or more arrests relate to but one offense, only one offense report is filled out. If a summons or notice is served for a Part I offense, an offense report must also be made out.

B. Confessions to unreported crimes. Persons already in custody may confess to such offenses. The offense should be verified before making a report.

C. Offenses occurring within the police jurisdiction but reported to sheriff, prosecutor, judge, county police, or other official. These officials should be urged to refer to the police all persons reporting an offense. Such offenses as are not referred must be obtained directly from these officials by the police. All such reports should be compared to prevent duplication.

Recording Offenses in Type III Organizations

Sec. 118. Departments which distribute the patrol force among two or more districts, as in Type III organizations (Figure 6), require a more complex system of records than where the entire force is assigned to headquarters. For example, of-

fenses may be reported to the district stations as well as to headquarters, and either the district patrol or detective force may be assigned to investigate. The following directions, therefore, differ from those for Type II departments in that the records must coordinate the work of the districts with the detective bureau and with other branches of the force. To accomplish this, a central records bureau with complaint desk is particularly essential.

Departments having telegraph-typewriting machines or other automatic communication devices will be able to simplify the following procedure somewhat.

The forms employed in the directions for Type III departments are:

1. Offense report (Figure 7). These are bound in:
   a. Pads of original and duplicate copies, bound alternately, to be placed in districts and at complaint desk (Section 109)
   b. Pads of No. 1 Copies (originals) for recording offenses in district and for replacing officers' copies which may become mutilated in course of the investigation
   c. Pads of No. 2 Copies (duplicates) bound singly for entering known offenses which do not require investigation, as in "on view" arrests
2. Auto theft report (Figure 8). Bound like offense report
3. Homicide report (Figure 9). Bound like offense report
4. Supplementary offense report (Figure 10)
5. Detective assignment record (Figure 11)
6. The case folder (Section 112)
7. Master sheet for police disposition of offenses (Figure 12).

Directions for Routing Forms

I. Employ the following procedure when an offense is reported directly to the headquarters complaint desk:

A. An offense report (Figures 7, 8, or 9) is filled out in duplicate when a criminal complaint is received. The serial

number by which offense reports and case folders are filed is posted, care being observed to have one series of numbers for the entire department no matter what the offense. The district may be coded into this number.

1. Copy No. 2 (duplicate) is the permanent records bureau copy. By remaining in the records bureau it controls the case from headquarters.
   a. The serial number of the offense is cross-indexed by complainant and by place of occurrence (street and number); 3″ x 5″ cards are suitable for this purpose. Serial number is also posted to the arrest record (Figure 13) if the offender is apprehended.
   b. If master sheets (Figure 12) are used, these No. 2 Copies (and also offense reports made out as instructed in Subdivision III below) are accumulated for twenty-four hours and posted to them. The total of these reports represents the number of offenses known to the police. (See instructions for using master-sheet in Section 115.) If a daily or morning report is compiled, it is posted at this time.
   c. Copy No. 2 is then placed in a pending file in order of serial number.
2. The routing of Copy No. 1 depends upon whether the detective bureau or a patrol district handles the case.
   a. If it is a detective case, Copy No. 1 is immediately taken to the chief of detectives for assignment. The district should be notified in order that it may have a complete file of all offenses occurring within its boundaries.
   b. If the offense is to be investigated by the district, the district should be immediately notified (by telegraph, telegraph-typewriter, or telephone). Copy No. 1 is forwarded to the district for its permanent files.

B. If the detective bureau handles the investigation the chief of detectives assigns case using the detective assignment record (Figure 11).

1. Investigating officer is given Copy No. 1 of the offense report for his working sheet.
   a. Investigating officer notes changes in facts, names of persons arrested, and final disposition of case. Particular care must be taken to change description of the offense if originally reported inaccurately.
   b. Supplementary offense reports (Figure 10) are used for reporting progress and other facts relative to

the investigation. See instructions in Section 111 above.

c. When case is completed, Copy No. 1 and all papers relating to the investigation are turned in to the chief of detectives. If Copy No. 1 is mutilated, a new one is made out from pad of No. 1 Copies.

2. Chief of detectives makes a final review of case.

a. The disposition is recorded on the detective's assignment record.

b. No. 1 Copy, supplementary reports, and any other papers and materials, are gathered and checked for the case folder. These are all forwarded to the records bureau.

3. When Copy No. 1 (and case folder materials) reaches the records bureau, Copy No. 2 is taken from pending file and posted with the disposition and any changed facts.

a. If master sheets are employed, the No. 2 Copies are accumulated for twenty-four hours before permanent filing so that the disposition of the offense may be posted to them. (See instructions for using master sheet in Section 115.) If address where offense took place or name of complainant has been changed, the 3″ x 5″ cross-index cards must be revised accordingly.

b. The No. 2 Copies are now filed by serial number in the permanent file of offense reports (not the case folder).

c. The materials for the case folder are attached to Copy No. 1 and filed by serial number as described in Section 112.

d. If there are no case file materials and all important facts can be posted to Copy No. 2, a case folder is unnecessary, and Copy No. 1 may be destroyed.

C. Employ following procedure if district (or other bureau) handles the investigation:

1. The district makes out a No. 1 Copy of the offense report when informed by headquarters that it is to investigate the case. This copy is given to the patrolman assigned, to serve as his working sheet. Or the district may make out the offense report in duplicate, placing No. 2 Copy in its pending file and giving No. 1 Copy to patrolman. The forwarding of the No. 1 Copy from headquarters as next provided might then be eliminated in most cases.

2. When the No. 1 Copy coming from the records bureau reaches the district, it is placed in a pending file. This pending file furnishes the commanding officer with a means of accounting for investigations.
3. The patrolman carries the No. 1 Copy until case is completed. During this period he notes on the copy changes in facts, names of persons arrested, final disposition, etc. The patrolman also furnishes the commanding officer with supplementary offense reports, stating progress and other facts relative to the investigation.
4. When case is completed the patrolman turns in to his commanding officer Copy No. 1 and all papers and other materials relating to the investigation. If Copy No. 1 is mutilated, it is replaced by a new one from the pad of No. 1 Copies.
5. The copy of the offense report remaining in the district pending file is now posted with details of the investigation of the case and its disposition. It is then placed in the permanent district file of offenses.
6. The patrolman's copy (with case folder materials, if any) is forwarded to the records bureau, and the same procedure followed as outlined for Type II organization in Subdivision II-C (Section 117).

II. Employ the following procedure when an offense is reported directly to the district station:

A. The district makes out the offense report in duplicate if it is a case for district investigation, but only a single copy if it is a detective case.

1. The district immediately telephones the offense to the complaint desk which makes out offense reports in duplicate and furnishes district with serial number of offense. At this stage it is determined in questionable cases if the district or the detective bureau is to investigate.

B. If district investigates offense, the No. 1 Copy made out in district is given to patrolman assigned to case. Copy No. 2 remains in the district pending file. The remaining steps are the same as outlined for district investigations in Subdivision I-C of this section.

C. If detective bureau investigates the offense:

1. The complaint desk places its Copy No. 2 in pending file and takes Copy No. 1 to detective bureau. The remaining steps are the same as outlined in Subdivision I-B above for detective investigations.

2. The single copy made out in district is placed in district pending file awaiting notification from headquarters as to how it is disposed.

III. Offense reports are also made out when the police learn of an offense in Part I of the Uniform Classification other than by means of a citizen's complaint or report of police officer. The file must be complete for all known offenses as defined in Sections 19 to 26. Only those offenses in Part II of the Uniform Classification which are reported to the police for investigation are included in this file.

A. Include the following in making a record of such offenses:

1. "On view" ("pick-up") arrests. These are posted when the arrest records are received at the records bureau. When two or more arrests relate to but one offense, only one offense report is filled out. If a summons or notice is served for a Part I offense, an offense report must also be made out.
2. Confessions to unreported crimes. Persons already in custody may confess to such offenses. The offense should be verified before making a report.
3. Offenses occurring within the police jurisdiction but reported to sheriff, prosecutor, judge, county police, or other official. These officials should be urged to refer to the police all persons reporting an offense. Such offenses as are not referred must be obtained directly from these officials by the police. All such reports should be compared to prevent duplication.

B. The district in which these offenses occur should be informed in order that its files may be complete. This can be accomplished by filling out the offense report in duplicate and forwarding Copy No. 2 to the district, or by means of telegraph-typewriter.

Recording Offenses in Type IV Organizations

Sec. 119. In Type IV departments both patrolmen and detectives are assigned to the districts. Thus each district practically becomes a self-sufficient police unit, supplemented, however, by the headquarters detective force. Records must not only be coordinated between headquarters and the districts, but also between the patrol and detective units within each district. A central records bureau and complaint desk at headquarters is indispensable for this. (See Sections 106 and 107.)

Most Type IV departments are now operating record systems

which need only minor changes, or none at all, to produce the facts for Returns A and B (Figures 1 and 2). A record system for these departments cannot be described in detail, because marked variations in organization, in headquarters control, in police operations, and in systems of communication likewise call for variations in the routing of forms. As a result, the following outline sets forth the general framework of a system for recording offenses, and refers to the detailed directions for other types of departments, when applicable.

The forms employed in the directions for Type IV departments are:

1. Offense reports (Figure 7). These are bound in
   a. Pads of original and duplicate copies, bound alternately; to be placed in districts and at complaint desk (See Section 109)
   b. Pads of No. 1 Copies (originals) for recording offenses in district, and for replacing officers' copies which may become mutilated in course of the investigation
   c. Pads of No. 2 Copies (duplicates) bound singly, for entering known offenses which do not require investigation, as in "on view" arrests.
2. Auto theft report (Figure 8). Bound like offense report
3. Homicide report (Figure 9). Bound like offense report
4. Supplementary offense report (Figure 10)
5. Detective assignment record (Figure 11)
6. The case folder (Section 112)
7. Master sheet for police disposition of offenses (Figure 12).

Directions for Routing Forms

I. The headquarters files in the records bureau must be complete for all offenses listed in Part I of Uniform Classification which occur in the city. The district files must be complete for offenses occurring within the district boundaries. The files in both places include *only* those offenses in Part II of the classification which are reported to the police for investigation.

A. If offense is reported to headquarters, the district must also be informed and if reported to district, headquarters must

be informed. This can be done by means of telegraph-typewriter, telegraph, telephone, or by forwarding duplicate copies of offense reports.

B. In order to assure accuracy and completeness, all compilations of offenses must be made at headquarters. This includes the use of master sheets, tallies, or other devices.

C. The number of copies made of the offense report depends upon whether the offense is reported to the central complaint desk or to the district, and upon the type of police communication. Duplicate copies will be generally required.

D. The serial number by which offense reports and case folder are filed may be coded in one series for the entire department, or in separate series for each district, or a combination of both.

E. The records bureau should cross-index all offense reports by complainant, by place of occurrence (street and number), or by other items. For this purpose 3″ x 5″ cards are suitable. When arrests are made for an offense, the serial number of the offense is entered on the arrest record (Figure 13).

II. Duplicate copies of the offense report (Figures 7, 8, or 9) are made out at the headquarters complaint desk when offense is reported.

A. Copy No. 2 of offense report should remain at the records bureau for the permanent headquarters file. All offense reports, whether made out at headquarters or in the district, or made in accordance with Subdivision V of this section, are accumulated for 24 hours and posted to master sheets (and daily reports). They are then placed in pending file by serial number.

B. The headquarters detective bureau or the district wherein the offense occurred (depending on which is to investigate) must be immediately notified.

III. If the case is assigned directly to headquarters detectives, follow the same type of procedure as outlined in Subdivision I-B under directions for Type III organization (Section 118).

IV. Copies of the offense report are made out at district station if offense is referred to it for investigation.

A. Copy No. 2 should go into district pending file awaiting disposition of case.

B. If it is a case for detective action, the district officer in charge of detectives assigns case, using detective assignment record (Figure 11). He furnishes investigating officer with the No. 1 Copy of offense report for working

sheet. The remaining steps should be similar to those employed under Subdivision III above, except that the reports clear through the district station rather than the headquarters detective bureau.

C. If the case is referred to the patrol force for investigation, the steps are almost identical. The use of the detective assignment sheet is unnecessary as the copy of offense report in pending file furnishes ample control over investigation. The remaining steps should be similar to those found in Subdivision I-C under directions for Type III organization (Section 118).

D. If offense is reported directly to the district, a No. 2 Copy of the offense report must be forwarded to headquarters. Important cases will be telephoned to detective headquarters. See Subdivision II under directions for Type III organization (Section 118) for further suggestions.

V. Offense reports are also made out when the police learn of an offense in Part I of the Uniform Classification other than by means of a citizen's complaint or report of police officer. The file must be complete for all known offenses as defined in Sections 19 to 26. This file includes only those offenses in Part II of the Uniform Classification which are reported to the police for investigation.

A. Include the following in making a record of such offenses:

1. "On view" ("pick-up") arrests. These are posted when the arrest records are received at the records bureau. Where two or more arrests relate to but one offense, only one offense report is filled out. If a summons or notice is served for a Part I offense, an offense report must also be made out.

2. Confessions to unreported crimes. Persons already in custody may confess to such offenses. The offense should be verified before making a report.

3. Offenses occurring within the police jurisdiction but reported to sheriff, prosecutor, judge, county police, or other official. These officials should be urged to refer to the police all persons reporting an offense. Such offenses as are not referred must be obtained directly from these officials by the police. All such reports should be compared to prevent duplication.

B. The district in which these offenses occur should be informed in order that its files may be complete. This can be accomplished by filling out the offense report in duplicate and forwarding Copy No. 2 to the district, or by means of telegraph-typewriter.

Procedure for Recording Persons Charged [3]

Sec. 120. Different methods are required in recording persons charged by the police than in the system described in the immediately preceding sections for offenses known to the police. The former is concerned primarily with persons who are charged with committing offenses rather than with the offenses themselves. Obviously, however, a close relationship must exist between the two types of records so that in designing a procedure for one, the other cannot be ignored. The systems presented here give the necessary coordination.

Every system for recording persons charged by the police should provide for:

1. A formal record of every person charged by the police or proceeded against within the police jurisdiction. Such persons may be arrested (taken into custody), summoned directly by the court, or notified (cited) by the police to appear in court. The nature of the offense charged is an indispensable part of this record.
2. Means of identifying the person charged. To this end, items such as name, address, aliases, physical characteristics, fingerprints, etc. may be required on the record. In the more serious cases, the offender is turned over to the identification division for complete identification.
3. Certain social facts concerning the offender. This is required both as an aid in determining his proper disposition and for statistical purposes.
4. Knowledge of how the offender's case terminated in court. The police need to know the whereabouts of criminals and the results obtained in their prosecutions.
5. Some convenient means by which these records may be compiled, such as tally sheets, master sheets, or tabulating cards.

The record forms by means of which these requirements can be met are described in the following sections.

[3] A simple and brief procedure for villages and small cities appears in Sections 129 to 131.

LAST NAME	FIRST NAME	INITIAL	ALIASES	ARREST NO.

RESIDENCE	DIST.	SEX M. F.	COLOR W. C. O.	AGE	OCCUPATION
		☐ ☐	☐ ☐ ☐		

COUNTRY OF BIRTH	OF FATHER	OF MOTHER	COMPLEXION	HAIR	EYES	DRUNK ☐ DRINKING ☐ NARCOTIC ☐

MARKS, SCARS, ETC.	COMPLAINANT	SERIAL NO.	NO. PREVIOUS ARRESTS

TIME OF ARREST	PLACE ARRESTED	DIST.	ARRESTING OFFICER	BADGE NO.
.....A.M. P.M. .....19...				

SUSP. ☐ FEL. ☐ MISD. ☐	CHARGE	CHANGED BY POLICE TO	F ☐ M ☐	ON VIEW ☐ WARRANT ☐ SUMMONS ☐ NOTICE ☐ FOR O. A. ☐

FACTS OF ARREST (Describe specific act for which arrested)

ARREST RECORD POLICE DEPARTMENT CITY OF _____

FIGURE 13. Arrest Record—Front (4″ × 6″)

NAMES OF PROSECUTING WITNESSES	ADDRESS

FINAL DISPOSITION

FOUND GUILTY OF ..... F. ☐ M. ☐

TERM OF SENTENCE..... Days / Months / Years FINE $..... PROBATION.....

DISCHARGED.....
(Reason for)

OTHER DISPOSITION.....

JUDGE..... COURT..... DATE.....19.....

INSTRUCTIONS FOR ROUTING FORM

FIGURE 13. Reverse

The Arrest Record—Figure 13

Sec. 121. Figure 13 or a variation of it may be used by all police departments for recording persons charged. This record is not only the department's primary record of the offender, but it also controls the case until disposition. An additional copy of the form furnishes the arresting officer with a record of the case until disposed of.

The list of facts on the record of arrest is designed for the more serious offenders. They are unnecessary in many minor offenses. The following items may therefore be omitted where persons are charged with violating laws and ordinances of a purely regulatory nature, (traffic and motor vehicle, health, building code, etc.). Some of these items, particularly the ones employed only for identification purposes, may be omitted in minor summons and notice cases. For example:

1. Occupation
2. Country of birth
3. Complexion
4. Color of hair
5. Color of eyes
6. Marks, scars, etc.
7. Previous arrests

The type of police organization and other local practices may require changes in some of the captions on the arrest record. The following explanation of the captions will indicate if any changes are desirable.

The Name, must be carefully entered as the record is filed by it. It is best filed by the first three letters of last name and by initial of first name. All known aliases should be listed to aid identification.

Arrest No. This applies to summons and notice cases as well as arrests. The number is assigned in one consecutive series for the year. Each year may be coded by beginning all 1929 arrests with a "9" as 9-0001; 1930 arrests with an "0" as 0-0001; 1931 arrests with an "1" as 1-0001, etc. The number of digits depends on the number of arrests per year.

Residence. Give street and number, or if out of town, the city. The district is the police district of his residence. This might be replaced by the census enumeration tract, thereby making possible the use of specific rates.

Color. "W" is for white; "C" for colored (negro), and "O" for all others. Designate which, by placing an "x" in the box provided.

Age. Give age at *last* birthday.

Occupation. Indicate under this caption the particular kind of work done or the exact character of service rendered. Be specific and not general in the description.

Country of Birth. The country of birth of the offender, of his father, and of his mother are all listed. The country should be specified according to post-war boundaries. For example, an offender born in Alsace Lorraine should be reported as born in France rather than in Germany. (See Section 186.)

Complexion, Hair, Eyes, and Marks. These captions are purely for identification purposes and may be supplemented by taking fingerprints on the record. Under "marks, scars, etc." specify the size and position of any peculiar features by which the offender is readily identified.

Drunk, Drinking, Narcotic. Check one of these if, at the time of arrest or at time of the offense, the offender was drunk, had been drinking, or was under the influence of narcotics.

Complainant. This is the complainant named on the offense report (Figure 7) who originally reported the offense, or the person who applied for the warrant or summons. The space is left blank in "on view" cases, as here the arresting officer is really the complainant.

Serial No. Enter here the serial number of the offense report to which the arrest relates. In case of suspicion arrests there will be no offense report or serial number.

No. Previous Arrests. List here the number of times the offender admits to having been previously arrested. If his criminal record or fingerprint card proves his admission to be false, the entry is stricken out and the number of known arrests entered. This is not done for minor offenses.

Place Arrested—District. In addition to the specific place where arrested, the police district is entered. Departments booking all prisoners at one place may omit this caption.

Charge—Changed by Police to. Note under "charge" the statutory offense with which the police charge the offender. Check whether it is a case of suspicion, a felony, or misdemeanor. If after further investigation the police amend the original charge, the final charge is entered, noting also whether it is a felony or misdemeanor.

On View, Warrant, Etc. Check here how the case originated. "For O. A." means "for other authorities".

Final dispositions. Fill out the appropriate captions stating the specific offense for which found guilty. If "discharged" (or dismissed) state whether it is for want of prosecution, on motion of defendant's counsel, lack of evidence, etc. After "other disposition," state any other court disposition such as bond forfeiture, acquittal, *nolle prosequi,* stricken off, ignored or no-billed by grand jury, etc. Also note here cases receiving other than a court disposition such as released by the police because of insufficient evidence, or on the "golden rule" principle; sentenced on another charge; failure to respond to a notice or summons; turned over to other authorities or to the juvenile court; parole violator; and the like.

Instructions for Routing Form. Under this heading should be printed a brief explanation of how to fill out and route the form.

The arrest record should be bound in pads of duplicate copies, alternating an original (called Copy No. 1) of light stock and a duplicate (called Copy No. 2) of heavy stock for permanent filing. These pads will be needed at all places where prisoners are registered. Copy No. 1 is given to the testifying officer to be carried until case is disposed of. Copy No. 2 is the records bureau file copy.

In addition, No. 1 Copies of these forms should be carried by all police officers to be filled out when summonses and notices are served. Where officers are supplied with a loose-leaf memorandum book, the No. 1 Copies can be punched to fit them. No. 2 Copies are required by the records bureau for recording summonses which are not served by police officers.

In some places it may be desirable to cross-index the arrest records by the arrest number. This is particularly necessary if

tabulating cards are used in order that reference may be made to the arrest record file.

Taking Fingerprints on the Arrest Record

Sec. 122. It is urged that fingerprints of the offender be placed on the arrest record in all jurisdictions where it is permissible to do so. The maintenance of a criminal history or record of persons charged with *all* except regulatory offenses, or the ability to identify such histories from the arrest record is often difficult unless fingerprinting is a regular part of the booking process.

This does not supersede the work of the identification division as only the most serious offenders need be referred to it for complete identification. No fingerprints should be taken of persons charged with regulatory or other minor offenses or where the offender's name and address are ample identification. A larger form than Figure 13 will be needed if fingerprints are placed on it.

Summons and Notice Records

Sec. 123. The summons, being a court process, is generally prescribed by law. However, the police should have a record of all summonses issued even if not served by a police officer. This can be obtained by having the officer fill out an arrest record form when he serves the summons. Summonses not served by the police can be obtained from the court record of summonses issued or from the court docket. Only a few essential facts need be transferred to the arrest record.

The police notice is merely a means by which the police secure an offender's appearance in court without having to take him into custody. It is therefore limited to cases where the identity of the offender is known or easily verified. Being served at the time he is detected ("on view"), it is simpler in execution than a summons or a warrant.

The police notice is a simple form, commanding the offender to appear in court to answer a specified charge. Each officer is supplied with blank copies of the notice. Preferably they should

fit his memorandum book. If the offender does not respond to the notice, a summons or a warrant is obtained.

As in issuing a summons, the police can note the name, offense, and other facts of the case upon a copy of the arrest record (Figure 13). By this method the file of arrest records will be complete for all persons charged, whether as the result of arrest, summons, or notice.

A simple notice providing blank spaces for name of court, time to appear, nature of charge, and signature of officer is suitable for all types of notice cases in small cities. Cities which have a large volume of traffic violations will find it advisable to prepare a special type of notice. These are commonly called "tags," "tickets," or "citations." After a thorough study of traffic violation notices, the National Safety Council has prepared model notice forms and a description of their use. Police departments are urged to follow the Council's recommendations which are printed in a pamphlet entitled *Traffic Courts and Violations Bureaus.* This can be obtained by addressing the National Safety Council at 108 East Ohio Street, Chicago, Illinois.

Master Sheet for Persons Charged and Found Guilty—Figure 14

Sec. 124. In communities of small or moderate size (less than 100,000 inhabitants) the most practical method for compiling persons charged and the number found guilty is by tally. (See Sections 85 and 86.) In the larger cities the need for supplementing the tally with master sheets or tabulating punch cards increases in proportion to their size. Some cities will not find it desirable to use tabulating cards; others may wish to use both master sheets and tabulating cards. The particular merits of each may be seen by comparing the following comment on the master sheet with that in the succeeding section which describes the tabulating card.

The particular value of Figure 14 is that it provides a compilation of the number of persons found guilty (convictions and pleas), and thereby yields all of the facts for Return C, (Figure 3). It really amounts to a daily tally.

Operation of the master sheet is similar to that of the master

MASTER SHEET FOR
PERSONS CHARGED AND FOUND GUILTY
Month of _____ 19____

	Persons Charged			Found Guilty		Persons Charged			Found Guilty		Persons Charg		
Date	Arrested	Summoned and Notified	Total	Of Offense Charged	Of Lesser Offense	Arrested	Summoned and Notified	Total	Of Offense Charged	Of Lesser Offense	Arrested	Summoned and Notified	Total
(1)	(2)	(3)	(4)	(5)	(6)	(2)	(3)	(4)	(5)	(6)	(2)	(3)	(4)
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
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16													
17													
18													
19													
20													
21													
22													
23													
24													
25													
26													
27													
28													
29													
30													
31													
Total													
	Murder & Non-Negligent Mans.					Manslaughter By Negligence					Rape		

FIGURE 14. Master Sheet for Compiling Persons Charged and Found Guilty

sheet for the disposition of offenses (Figure 12), and the same general comments apply. It is to be noted, however, that both Parts I and II of the Uniform Classification are employed.

If desired, the columns may be extended to show types of disposition other than findings of guilt. For example, columns for dismissed, nolle prossed, not indicted (no true bill), acquitted, and pending cases may be shown.

In addition to Figure 14, master sheets may be maintained for compiling social facts of persons charged, such as sex, age, color and nativity, country of birth, number of previous arrests, etc. These additional master sheets can be constructed like Figure 14, using the arrangement of facts suggested in Sections 182 to 188.

Instructions for Using the Master Sheet

Sec. 125. The method of using Figure 14 for compiling persons charged and found guilty is described in the following outline:

I. The records of persons charged during the past twenty-four hours are accumulated. See Sections 28 to 32 and 72 for instructions concerning persons to be included and the method of scoring. They are then sorted into the various classes of the Uniform Classification (Sections 35 to 36 and 225). The records for each class are subdivided into two groups, one of arrests, the other of persons summoned and notified.

A. Taking each class in turn, the number of persons is entered; the number arrested are placed in Column 2; those summoned and notified, in Column 3.

B. Or instead of sorting, each record may be tallied in Column 2 or 3 and the daily total for each column then entered over the tally marks.

C. The total of Columns 2 and 3 is entered in Column 4.

II. All records in which the person charged has received final disposition during the past twenty-four hours (no matter when charged), are similarly accumulated. These may include some of the records entered under Subdivision I above.

A. The persons found guilty of the offense charged by the police are sorted by offense class. These are entered in Column 5 of each class.

B. Persons found guilty of a lesser offense than the one charged by the police are next sorted into offense classes, using the police charge (not the charge for which found guilty) as the basis of sorting. (See Sections 79, 80, and 81 for definition of "found guilty" cases.

C. If any other dispositions are to be analyzed in addition to persons found guilty, they are similarly sorted and entered.

D. If the charge originally placed on the arrest record and entered on the master sheet, as in Subdivision I above, were subsequently changed by the police before the case went to court, adjustments should be made. This is accomplished by subtracting one charge in today's entries from the class in which it was originally entered and adding one to the class to which it really belongs. The charge of which found guilty or for which indicted by grand jury is not considered.

III. At the end of the month the columns for each offense are totaled. At the end of the year the totals for the twelve monthly master sheets are added. These furnish all of the data for Return C (Figure 3).

Tabulating Cards—Figure 15

Sec. 126. The need for compiling and analyzing persons charged by means of tabulating machines increases with the size of the city. In the metropolitan departments it is the only practical method of analyzing social characteristics and dispositions of the thousands of arrests made by the police.

Figure 15 illustrates a tabulating card on which is punched the facts appearing on a specimen arrest record. The columns are ruled into fields, each field representing a certain type of information. For example, the first five columns compose a field in which is punched the arrest number. In Figure 15, the number is 06381, meaning that this card represents arrest record No. 6381. Columns 6 and 7 represent the next field in which the residence of the person arrested is punched; and so on. These holes are placed on the card by a punching machine.

In order to compile the data from the tabulating cards, they are put through a sorting machine which automatically arranges them in numerical sequence. For example, take the field allotted to "sex-color" in Figure 15 (Column 8). If it is desired to

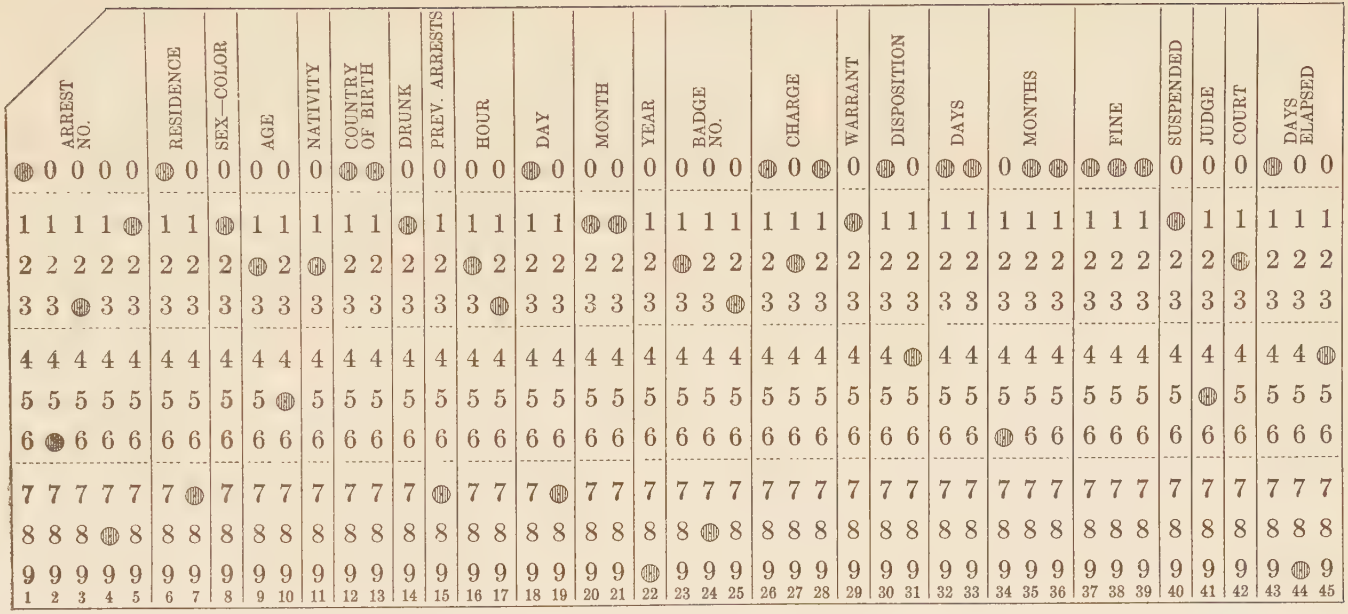

FIGURE 15. Tabulating Card for Analyzing Persons Charged

know the sex and color of persons charged, the cards are sorted in numerical sequence for this field. By counting the cards having the same numbers in the sequence, the number of white males, white females, colored males, etc. is determined. For instance if in transcribing the arrest records to the cards, number "1" in Column 8 is allotted to white males, the total number of cards with "1" punched will give the number of white males.[4]

The number of columns allotted to a field depends upon how many different classes of facts there are in that field. For more than ten classes, two columns are required; for more than 100, three columns; and so forth.

With the aid of automatic tabulating and listing devices, the facts punched on the cards can be tabulated in any manner desired. The machines are almost human in their accomplishments; they list grand totals, totals, and subtotals for any fact or combination of facts.

If a department needs more columns than provided in Figure 15, cards with eighty columns can be obtained. The captions and the code for classifying the facts will vary from department to department. The companies leasing these machines are ready to render advice in selecting, operating, and devising new uses for them. They should be consulted at the very start.[5]

The cards for tabulating facts concerning persons charged can be punched daily (or at the end of week or month) with all facts except the disposition of the offender unless that is available at the time. To punch the dispositions on the cards the arrest records which have been disposed of are accumulated in the records bureau for a month or longer and then punched all at one time. This is accomplished by sorting the cards according to arrest number. The cards to be punched are readily identified by the arrest number on the arrest record. If the arrest record shows any of the facts previously transferred to the tabulating card to be incorrect, a new card is punched.

[4] See code at end of this section by means of which the facts on the arrest record may be transcribed (punched) to the tabulating cards.

[5] The two companies which manufacture and lease these machines are the Powers Accounting Machine Corporation and the International Business Machine Corporation.

Transcribing the facts from the arrest record to the tabulating card requires the use of a code or classification. A sample of how such a code might be prepared for Figure 15 is offered in the following outline. The arrest records are coded by noting beside each fact to be transcribed the number assigned to it in the code.

Arrest Number (Columns 1, 2, 3, 4, and 5)

This provides for a maximum of 99,999 arrests in one year. The maximum may be increased or reduced by adding to or decreasing columns.

00,001 Arrest number 1
00,002 Arrest number 2
06,381 Arrest number 6,381
Etc.

Residence (Columns 6 and 7)

This is the police district or preferably the census enumeration tract in which the person arrested resides. If there are less than eight districts only one column is needed.

00 No information
01 District 1
02 District 2
03 District 3
Etc.

98 Residence in metropolitan area outside of city boundaries

99 Nonresident

Sex—Color (Column 8)

0 No information
1 White male
2 White female
3 Colored male
4 Colored female

Age (Columns 9 and 10)

00 No information
15 Age of 15
16 Age of 16
Etc.

The remaining portions of this outline merely indicate what is meant by the captions of the fields in Columns 11 to 45 (Figure 15).

Nativity

This field tells whether persons are native or foreign born. Code to give information for Return E (Figure 30, Section 185).

Country of Birth

This refers to the country in which persons charged were born. Classify as in Return F (Figure 31, Section 186).

Drunk, Drinking, or Narcotic

If person is in any of these conditions when arrested, it should be coded here.

Previous Arrests

The number of times an offender has been previously arrested and charged with a serious offense will appear in the column for this field.

Hour, Day, Month, and Year

These headings refer to the time at which the arrest occurs. If the year is coded into the arrest number on the arrest record, Column 22 on the tabulating card might be moved over to Column 1.

Badge Number

In this field is coded the badge or shield number of the arresting officer.

Charge

Only the final charge placed by the police is coded. Charges are preferably coded according to the Uniform Classification, using the more common offenses in your jurisdiction. For example:

1. Homicide, 000-009
   - 001 Murder 1st degree
   - 002 Murder 2nd degree
   - 003 Non-negligent manslaughter
   - 004 Manslaughter by negligence
2. Rape, 010-019
   - 010 Female 16 and over, without consent
   - 011 Female under 16
   - 012 Insane female
   - 013 Assault to commit
   - 014 Etc.

3. Robbery, 020-039
   020 Robbery armed
   021 Highway robbery
   022 Train robbery
   023 Bank robbery
   024 Assault to rob
   025 Etc.
4. Etc.

Warrant

This field will show whether an offender is brought into court as the result of a warrant or "on view" arrest, a summons, or a police notice, or if the arrest is for other authorities.

Disposition

All major types of disposition should be coded in this field. For example:

Plea of guilty of offense charged
Plea of guilty of lesser offense
Convicted of offense charged
Convicted of lesser offense
Discharged
No true bill (ignored by grand jury)
Etc.

Days, Months, Fine

These fields relate to the sentence imposed. If a maximum and minimum is given, code only the minimum.

Suspended

If the sentence is suspended or deferred (probation), it will appear in this field.

Judge

The judge disposing of the case is coded here.

Court

This field indicates whether the person charged receives final disposition by a magistrate, in his preliminary hearing, or in the county (trial) court, or in any other court. Appeals can be ignored.

Days Elapsed

The total number of days elapsing between arrest and final disposition is coded in the field bearing this caption.

Procedure for Cities Registering All Arrests at One Place

Sec. 127. The following directions explain the routing of forms in departments which register or "book" prisoners at a single place. These comprise the majority of Type I and Type II departments (Figure 6). Directions for departments which register prisoners at two or more places (district station houses) are given in Section 128. These are for the most part confined to Type III and Type IV departments.

The point of registration and the records bureau should be sufficiently close together to maintain a single set of records readily accessible to each. If separate records are necessary, a stub should be added to the arrest record as provided in Section 128 for departments which register prisoners at two or more places. The stub provides the registration desk with a permanent file while the record proper goes to the records bureau.

The forms employed in these directions are:

1. Arrest record (Figure 13). These are required as follows:
   a. Duplicate pads at all places where arrests are registered.
   b. Single No. 1 Copies (originals) to be carried by police officers.
   c. Single No. 2 Copies (duplicates) to be available at records bureau.
2. Summons (Section 123). Prescribed by statute.
3. Police notice to appear in court (Section 123). Single copies to be carried by all police officers.
4. Master sheet (Figure 14). Necessary only in the larger cities.
5. Tabulating card (Figure 15). May be substituted for or merely supplement master sheet.

Directions for Routing Forms

I. The arrest record is made out in duplicate at the time the offender is registered or booked. If possible fingerprints are taken on the record at this time. The facts concerning the

offender are abridged in regulatory and minor charges (Section 121).

A. Copy No. 1 is given to the arresting officer if he is to testify in court.

B. Copy No. 2 remains in the records bureau as its permanent file copy. This copy controls the disposition of the case.

C. No. 2 Copies are also prepared for summons and notice cases from the copy turned in by the officer serving them, or from the court records when not served by a police officer. The same is done for persons charged who do not clear through the hands of the police, and for prisoners turned over by other authorities.

II. The No. 2 Copies are accumulated in the records bureau for 24 hours.

A. The court docket (or report) can be prepared from them.

B. The criminal history of the offender is obtained for court from the criminal history files (generally kept in identification division).

1. At the same time the offense charged on the arrest record is posted to the offender's criminal history or a new history begun if he has none.

2. The number of previous arrests is verified and entered on the arrest record.

C. The arrest number is assigned, care being observed that arrest, summons, and notice cases are all included.

D. The serial number of the offense report to which the arrest relates is posted on the record. If it is an "on view" ("pick-up") arrest for a Part I offense (Uniform Classification) an offense report is also prepared. The Instructions for Scoring Offenses are to be followed in preparing these reports. The name of person or persons arrested is posted to all offense reports.

E. The No. 2 Copies are next coded and transferred to tabulating cards (regulatory offenses excepted) and entered on the master sheets, daily report, or other records maintained by the department.

F. The No. 2 Copies are now placed in a pending file (by name of person charged), awaiting the final disposition of the case.

III. The testifying officer carries Copy No. 1 until the case receives final disposition.

A. Upon the termination of the case in court, he notes the facts of its disposition opposite the captions provided. When he cannot readily learn of the final disposition,

the records bureau secures this information directly from the court.

B. The officer then turns in Copy No. 1. Copy No. 2 is taken out of the pending file and the disposition and any new or changed facts appearing on Copy No. 1 transferred to it.

C. If the charge is one which is placed on the criminal history card, Copy No. 1 is taken to this file and the disposition entered on the offender's history.

IV. The No. 2 Copies to which disposition has been posted are accumulated for 24 hours.

A. Entries of the disposition are made on the master sheet if operated (Section 125).

B. If tabulating cards are used, the copies may be accumulated for one month and then transferred at one time as described in Section 126.

C. The No. 2 Copies are now placed in the permanent file according to name of person charged.

Procedure for Cities Registering Arrests at Two or More Places

Sec. 128. Departments which register persons at two or more places require a few variations in the directions of the preceding section.

First, a record of persons charged is needed at all district (precinct) station houses where they are registered as well as at the headquarters records bureau. This is easily accomplished by adding a perforated stub to the pad of arrest records as in the diagram on the opposite page.

By perforating the duplicate copy of this stub along the binder, it can be extracted and filed in a vertical drawer file according to the name of offender. By making the stub three inches high, it will fit into a 3″ x 5″ file. The original copy of the stub remains in the pad, serving as a cross-index according to date.

Departments will need also to coordinate the files of the identification and the records bureaus. If the identification unit maintains a criminal history or record of all persons arrested, the arrest records must be temporarily forwarded to it so that new

histories can be begun or the new offense posted to existing histories.

In order that the records of persons summoned and notified (cited) may be readily identified from the arrest records, it is suggested that the No. 2 Copies kept at the records bureau for entering summons and notice cases be printed in a different color. Slightly changed captions may also be advisable.

(Binder)		
_____		_____
Last Name	First Name	Initial
Charge Date _____ 19__ _____ Arresting Officer		Serial Number of Offense Report
Final Disposition		
(Arrest Record to be attached here)		

Diagram of Stub for Arrest Record

The forms employed in these directions are:

1. Arrest record (Figure 13). These are required as follows:
   a. Duplicate pad with stubs to be kept at all points where arrests are registered.
   b. Single No. 1 Copies (originals) to be carried by police officers.
   c. Single No. 2 Copies (duplicates) to be available at the records bureau (perhaps different colors for summons and notice cases).
2. Summons (Section 123). Prescribed by statute.

3. Police notice to appear in court (Section 123). Single copies to be carried by all police officers.

4. Master sheet (Figure 14). Maintained at records bureau only.

5. Tabulating card (Figure 15). May be substituted for or merely supplement the master sheet.

Directions for Routing Forms

I. Duplicate copies of the arrest record and stub are made out at the station house or other point where the offender is registered or booked. The facts concerning the offender to be posted to the record are abridged in regulatory and minor charges (Section 121). The arrest number is not entered in the district.

A. Copy No. 1 is given to the arresting officer if he is to testify in court.

B. The No. 2 Copies are forwarded every 24 hours (or oftener) to the records bureau so that they arrive in time to prepare the court record or docket and to look up the offender's criminal history.

C. No. 2 Copies of the arrest records and both copies of the stub are filled out for summons and notice cases when served by a district officer.

D. The duplicate stubs remain in the district (or other point of registration) as the permanent file record.

1. Stub No. 2 is extracted and placed in a pending file, awaiting final disposition of the case.

2. Stub No. 1 remains in the pad, furnishing a cross-index by date to Copy No. 2.

II. All No. 2 Copies coming from the districts are accumulated for a period of 24 hours.

A. The court docket (or report) can be prepared from them.

B. The criminal history of the offender is obtained for court from the criminal history files (generally kept in identification division).

1. At the same time, the offense charged on the arrest record is posted to his criminal history, or a new history begun if he has none. The taking of fingerprints on the arrest record is a great aid to identifying the correct criminal history.

2. The number of previous arrests is verified and entered on the arrest record.

C. No. 2 Copies are also prepared for summonses not served by district police officers (obtained from court records),

for persons who do not clear through the hands of the police, and if not elsewhere recorded, for prisoners turned over by other authorities.

D. The arrest number is assigned, care being observed that arrest, summons, and notice cases are all included.

E. The serial number of the offense report to which the arrest relates is now posted, if this has not been done already in the district. If it is an "on view" ("pick-up") arrest for a Part I offense (Uniform Classification), an offense report is also prepared. The Instructions for Scoring Offenses are followed in preparing these reports. The name of person, or persons, arrested is posted to the offense reports so made.

F. The No. 2 Copies are next coded and transferred to tabulating cards (regulatory offenses excepted), and entered on the master sheets, daily report, or other records maintained by the department.

G. The No. 2 Copies are now placed in a pending file (by name of person charged). These copies control the disposition of the case from headquarters.

III. The testifying officers carry Copy No. 1 until the case receives final disposition.

A. Upon the termination of the case in court, he notes the facts of its disposition opposite the captions provided. When he cannot readily learn of the disposition, the records bureau secures it directly from the court.

B. The officer then turns Copy No. 1 into his district. There the disposition and changed facts, if any, are noted to the No. 2 stub in pending file. Stub No. 2 is filed by name of offender in the permanent stub file.

C. Copy No. 1 is now forwarded to the records bureau.

IV. The No. 1 Copies of all districts are accumulated at the records bureau for 24 hours.

A. The No. 2 Copies are taken from the pending file and posted with the disposition and any new or changed facts appearing on Copy No. 1.

B. If the charge is one which is placed on the criminal histories, Copy No. 1 is forwarded to these files, and the disposition entered on the offender's history.

C. Entries of the disposition are made on the master sheet if operated (Section 125).

D. If tabulating cards are used, the No. 2 Copies may be accumulated for one month and the disposition transferred at one time as described in Section 126. (This may be done from No. 1 Copies if they are complete.)

E. The No. 2 Copies are now placed in the permanent arrest record file according to name of person charged. The No. 1 Copy can be destroyed by the identification division or tabulating card operator, depending on its final stage.

Record Procedure for Villages and Small Cities

Sec. 129. In the majority of villages and small towns or cities known offenses and persons charged are insufficient in number to warrant the use of the printed forms described in the preceding sections. In such places a simple ledger or register will be most practical for recording both types of information. The following suggestions describe how this can be accomplished.

Register of Offenses—Figure 16

Sec. 130. A register ruled as in Figure 16 is sufficient for recording offenses known to the police. The column headings may either be printed or entered by hand. Two or more lines should be used for a single entry, if one line is insufficient for the notations in Columns 4, 5, 7, or 9.

In this register are entered *all offenses* requiring investigation whether called to the attention of the police by means of a citizen's complaint or report of police officer. In order that the register may be complete for all Part I Classes of the Uniform Classification, offenses in these classes becoming known to the police by any other means are also entered. These may be known as the result of "on view" ("pick-up") arrests (Section 24), and reports to prosecutor, sheriff, judge, or other official (Section 25).

The Instructions for Scoring Offenses should also be followed in entering offenses in the register (Sections 37 to 40).

Directions for Using Register of Offenses

I. At the time of the citizen's complaint or report of the police officer, Columns 1 through 6 of the register of offenses known to the police (Figure 16) are filled in.

A. The serial offense number runs in chronological order.

B. The date and time when reported are entered in Columns 2 and 3. (Date and time when offense was committed are subjects for Column 5.)

REGISTER OF OFFENSES KNOWN TO THE POLICE

(Left Hand Page)

SERIAL NO. 1	DATE REPORTED OR KNOWN 2	TIME REPORTED 3	OFFENSE 4	CIRCUMSTANCES: (State time and place, property taken and other details of offense.) 5

(Right Hand Page)

COMPLAINANT 6	ADDRESS 7	OFFICER ASSIGNED 8	ACTION TAKEN: (State property recovered, persons arrested or other facts of disposition) 9	DATE CLOSED 10	UNFOUNDED 11	NOT CLEARED 12	CLEARED BY ARREST 13

FIGURE 16. Register of Offenses for Towns, Villages, and Small Cities

C. The nature of the offense committed, in so far as it can be accurately determined at the time reported, is placed in Column 4.

D. A summary of the circumstances of the offense is placed in Column 5. Minute details, descriptions of property stolen, and other facts surrounding the offense may be noted separately or in the memorandum book of the investigating officer.

E. The name and address of the complainant, or if a homicide, the person killed, are entered in Columns 6 and 7. If from out of town, give place and state.

II. When the case is closed, Columns 9 to 13 are filled in.

A. Cases may be closed for three reasons, namely:

1. The report may be unfounded, no offense having been committed (Section 60).

2. Further investigation proving futile after the lapse of a month or more, the chief may declare the case closed or inactive. If the offender or offenders are not arrested, it is a "not cleared" case (Section 63).

3. If one or more persons are arrested and charged with the offense, it becomes "cleared by arrest." Exceptional clearances also close a case (Sections 61 and 62).

B. A summary of the action taken is placed in Column 9. The date on which the case is closed is entered in Column 10, and Columns 11, 12, or 13 checked according to the disposition of the case. The compilation of Return B (Figure 2) for the Department of Justice will be greatly facilitated by Columns 9, 11, 12, and 13.

C. If the investigation of the offense shows it to have been incorrectly reported, the original entry in Column 4 may be stricken out and the correct offense noted above it. Nothing is to be erased. The same is done for other facts incorrectly reported.

D. When the case is closed, all memoranda of the circumstances and action taken, descriptions of stolen and recovered property, and all papers and other materials which accumulate in the course of the investigation are filed away in a case folder (Section 112).

III. Any offense appearing in Part I of the Uniform Classification, which becomes known to the police through "on view" or "pick-up" arrest, should be entered in this register.

A. Both the circumstances of the offense and the disposition can be entered at the same time.

B. Only one entry is made if two or more persons are arrested for one offense.

C. If one person is arrested for two or more offenses, an entry is made for each distinct offense (except where offense was previously reported). In other words, there should be as many entries as there are offenses irrespective of number of persons arrested.

IV. If any offense in Part I of the classification (occurring within the police jurisdiction) is reported to the prosecutor, sheriff, or other official, the necessary details should be secured and posted to the register.

Register of Persons Charged by the Police—Figure 17

Sec. 131. Figure 17 is suggested for registering persons charged by the police in small communities. The columns and headings may either be printed or entered by hand.

In this register are entered all persons who are:

1. Arrested and taken into custody. Include persons arrested on suspicion or for investigation, but released without going to trial; "golden rule" and safekeeping cases; persons held for other authorities; and the like.

2. Summoned by the court to answer a charge. Persons served with, but who fail to respond to, a summons are included.

3. Notified (cited) by the police to appear in court to answer a charge. Persons whose notices are dismissed by the police or who fail to respond to the notice are also included.

Two or more lines should be used for a single entry if one line is insufficient for the notations in Columns 3, 4, 9, 11, 13, or 14.

The Instructions for Scoring Persons Charged (Section 72) should be followed in making entries on the register.

Directions for Using Register of Persons Charged

I. Every person charged by the police or taken into custody for any reason is entered in the register.

A. Persons arrested and taken into custody are formally booked by entering them in the register when first brought into the station.

B. The entry of persons summoned and notified to appear in court is taken from a report of the officer who serves the summons or notice. When summons is served by other than police officers, reference can be made to the court record of summons cases.

REGISTER OF PERSONS CHARGED BY THE POLICE

(Left Hand Page)

ARREST NO.	DATE	NAME AND ALIAS	ADDRESS	SEX	AGE	COLOR	COUNTRY OF BIRTH OF 8			OCCUPATION	NO. OF PREVIOUS ARRESTS	IDENTIFYING FEATURES (Marks, scars, etc.)
1	2	3	4	5	6	7	OFFENDER	FATHER	MOTHER	9	10	11

(Right Hand Page)

ARREST, SUMMONS, OR NOTICE	OFFENSE CHARGED	FACTS OF ARREST: (Time, place, and other details)	DRINKING, DRUNK, OR NARCOTIC	FINAL DISPOSITION AND DATE (If found guilty, for what offense)
12	13	14	15	16

FIGURE 17. Register of Persons Charged for Towns, Villages, and Small Cities

II. Employ the following procedure in making the original entry in the register:

A. Columns 1 through 7 are filled in for all persons listed in the register.

1. The arrest number (Column 1) applies to summons and notice cases as well as to arrests. It runs in chronological order.

2. The date on which the person is taken into custody or on which the summons or notice is served appears in Column 2.

3. Known aliases as well as the full name of the offender are placed in Column 3.

4. Street address, or if out of town, the place and state are posted to Column 4.

5. In Column 5 enter "M" or "F" for male or female.

6. List age *at last birthday* in Column 6.

7. For recording color use "W" for white persons, "C" for colored (negro), and "O" for all others.

B. No record is made in Columns 8, 9, 10, and 11 when a person is charged with the violation of traffic or other minor regulatory laws and ordinances. For all other charges these columns (when the facts are obtainable) are posted as follows:

1. In Column 8, the country of birth of the offender, of the offender's father, and of his mother is listed. The country should be described according to post-war boundaries.

2. In so far as possible, indicate under occupation the particular kind of work done or the character of the service rendered.

3. In Column 10 note the number of times the offender admits to have been previously arrested. If his criminal record proves his admission to be false, the latter is stricken out and the number of known times entered.

4. Marks, scars, or other peculiarities by which the offender is readily identified are noted in Column 11. These do not take the place of the description upon the fingerprint card or criminal record if such are maintained.

C. Columns 12, 13, 14, and 15 are filled in for all persons charged.

1. In Column 12 state whether the offender is arrested, summoned, or notified, using the initials "A," "S," and

"N." If only for safekeeping, no entry need be made in this column.

2. Enter in Column 13 the offense with which the police charge the offender. Suspicion, safekeeping, lodging, etc., cases are also noted here. If after further examination the police amend the charge, the original charge is stricken out and the final police charge prior to appearance in court is entered above it. Note fully if there is more than one charge or several counts on the same charge.
3. A very brief summary of the circumstances of the arrest (summons or notice) is recorded in Column 14.
4. If offender had been drinking, enter the abbreviation "Dg." in Column 15; if drunk, enter "Dk."; and if under the influence of narcotics, enter "Nc."

III. When the case is finally disposed of, the disposition is recorded in Column 16.

A. If it is a court case, state the exact disposition, the stage in court process at which eliminated, and the date. If found guilty, enter the offense and sentence.

B. If it is not a court case, state the reason; such as, released by police because of insufficient evidence, or on "golden rule" principle; sentenced on another charge; failure to respond to summons or notice; turned over to other authorities or juvenile court; parole violator; and the like. Also list the arrest number of persons who are arrested after failure to respond to summons or notice.

C. If during the time the case is pending, or after it is disposed of, any of the entries in the register are found to be incorrect, they are amended by striking out the original entry and inserting the correct one. Nothing is to be erased. For example, a fictitious name may be given by the offender, or the wrong age, occupation, number of previous arrests, etc. The disposition may also need subsequent change on account of an appeal, retrial, deferred sentence, and like causes.

D. A final disposition must be entered for every person. This requires checking back over the record from time to time and a special search for all persons unaccounted for.

CHAPTER IV

ADMINISTRATION OF SYSTEM BY THE DEPARTMENT OF JUSTICE

Sec. 132. The preceding chapters have been almost entirely concerned with things which the police must do if national crime statistics are to become a reality. This chapter will deal with the work of the National Division of Identification and Information in the Department of Justice, describing some of the steps which must be taken to establish the system and put the results of police returns into usable form.

In a general way, the rôle of the Department of Justice may be said to comprise three major tasks:

1. To maintain contact with police departments, rural police officials, and state bureaus of crime statistics in the effort to secure the monthly and annual returns.

2. To construct tables, charts, and graphs from these returns; and to incorporate them, with explanatory and critical comment, into monthly, annual, and special reports.

3. To extend the scope and content of the system whenever feasible.

The following sections are devoted to a discussion of these three tasks in detail.

Establishment of Reporting Units

Sec. 133. The experience of similar undertakings makes it clear that a body of national crime statistics will be of slow growth. At the very outset, the Department of Justice will be faced with the problem of overcoming the natural inertia of reporting units, with their incomplete understanding of what will be expected of them, and with the inability of some to pro-

duce from existing records all of the facts required by the returns. It must be admitted that no general formula will solve all such questions out of hand. But the good will already enjoyed by the Department of Justice at the hands of the police, as well as its available staff of field agents now in contact with them, will be a decided asset. The following observations are submitted merely to indicate the general course to be followed, and are based upon the methods employed by national statistics bureaus both in this country and abroad.

Relations with Police Forces

Sec. 134. The first action to be taken by the Department of Justice is to edit, publish, and distribute the return forms, tally sheets, and manual of instructions provided in Chapter II. The field agents of the department must be thoroughly schooled in their use in order that they can instruct the police in all phases of the system.

If a police department, sheriff, or other official cannot produce the facts for these returns, the Department of Justice should give constant aid and advice towards the adoption of a record system which will produce them. Such forms and their handling are fully described in Chapter III. The return forms and instructions will in themselves suggest changes to be made in the records. With these forms and procedures at hand, the problem of developing a record system for a given police agency becomes largely a matter of adapting appropriate portions to a specific situation. In making the returns described in Chapter II, many police departments will not find it necessary to revise their records, but need merely adopt the classification schedule and Instructions for Scoring Offenses. Even this will need a certain amount of supervision and direction by the field agents of the Department of Justice.

From time to time, the Department of Justice may uncover or develop police record practices which may be added to the suggestions of Chapter III, and published in the form of a manual. In this way, the department will become the general ad-

viser and clearing house of information upon all types of police and crime records.

Obtaining the Returns

Sec. 135. Once a department or other police agency becomes a reporting unit, the work of the Department of Justice is largely reduced to forwarding to them return forms, tally sheets, and instructions. The monthly return (Figure 1) is so simple that most police departments can begin compiling it immediately. With the police record machinery in working order, transmission of the monthly return to the Department of Justice should be almost an automatic process. Returns B and C (Figures 2 and 3) are more complex and may require a period of instruction and adjustment of the records. Tally sheets for the returns are to be supplied to all departments and sheriffs which have need of them.

Sec. 136. When changes in the form or content of a return become desirable, the revised instructions should be in the hands of the police, sheriffs, and federal officers in ample time to make adjustments before the year actually starts. Frequent changes are to be avoided. A grave defect of the few crime statistics already in existence is the frequent change in composition which materially injures their comparative value. In consequence, it is urged that impending changes be withheld for periods of five or ten years and then made all at one time. This will not only assure comparable statistics over a reasonable period of time but also will relieve the police from the confusion attending constant revision.

The classification schedules, on the other hand, require annual revision to keep abreast of statutory changes. If the changes are few in number, the Department of Justice need only prepare and forward to each reporting unit in the state a memorandum covering them. When there are many changes, either during a single year or accumulating over several years, new schedules should be prepared. The principles set forth in Chapter V should guide all revisions in the schedules.

In view of the striking differences in compiling returns by the

police, sheriffs, and federal officers, it will be advisable to prepare separate manuals of instructions and return forms for each. Otherwise the reporting units may become confused in finding the specific instructions which they are to follow. This also applies to the compilation of return forms by the United States territories where reporting units are both urban and rural in character.

Measures to Secure Reliability in Returns

Sec. 137. The road to reliability and uniformity in the returns is a long one; accurate returns cannot be expected without an extended period of education and persuasion. The classification schedules, the instructions for scoring offenses, and the different methods for compiling both offenses and persons charged cannot be set in operation by some police departments and many sheriffs without recurrent instruction by the Department of Justice.

The experience of other countries has its lessons on this point. Even with a single penal code and centralized control over the police and courts, foreign nations have had difficulty in bringing their statistics to a high degree of reliability. It has meant constant negotiation with the reporting units. Thus, the Home Office in England states that returns were so unsatisfactory that it instituted the practice "of taking up with the police force concerned every apparent discrepancy in the returns rendered; an enormous improvement resulted and, after about five years, returns were rendered to such a level of efficiency that in the ensuing years there was no reason to look for more than a very slight, but nevertheless perceptible and continuous improvement." [1]

The Department of Justice should be prepared to exercise similar supervision both by correspondence and through its representatives. Personal inspections will sometimes be desirable in order to advise police record clerks and sheriffs in the use of the classification schedules and the Instructions for Scoring Offenses, as well as to show them how to compile the data and fill

[1] Personally communicated.

in the returns. Such instruction is particularly important in the larger cities.

Sec. 138. A page from the experience of the United States Public Health Service may prove of interest in this connection. The Public Health Service appoints all state and city health officers to be "collaborating" and "assistant collaborating epidemiologists" at the nominal salary of one dollar a year. This establishes an official relationship between the Health Service and local officers, and goes a long way towards obtaining compliance in the submission of accurate mortality and morbidity statistics. A similar arrangement might prove of value in securing uniform crime reporting.

Sec. 139. The extent to which accurate returns are obtained from large cities will depend in some measure upon the police records clerk. Upon him falls the duty of compiling or supervising the compilation of the returns. It will be his task to follow the instructions, apply the Uniform Classification, and improve the records generally. Whenever possible, the Department of Justice should encourage the employment of qualified record clerks, clothed with such authority and responsibility as will bring about an adequate system of records and, as a result, accurate returns.

Difficulty of Obtaining Returns from Rural Areas

Sec. 140. The disorganized state of police administration in rural areas will make it extremely difficult to obtain accurate returns from them, or any returns at all. The variety of peace officers and their lack of supervision makes any sort of centralized or professional police administration an impossibility. The nature of the reporting system presented in Sections 87 to 92 recognizes this chaotic condition. In fact, the very difficulty of obtaining rural returns will point out more clearly the defects of rural policing and thereby hasten the day of its reform.

If the state is collecting crime returns, the rural police officials should forward the Reports of Offenses Committed (Figure 5) direct to the state bureau. Rather than require villages and small cities under 10,000 or 20,000 inhabitants to compile re-

turns, they should also forward the reports of individual offenses. The state bureau will then eliminate duplications and make the necessary tabulations.

The forms and instructions for rural areas should be as simple as possible. The desirability of preparing a separate manual has already been mentioned. This manual should state clearly and precisely what is wanted, with striking examples and illustrations. It will be particularly important to give personal attention to the sheriff, perparing a register of offenses for him, compiling a sample return, and defining his relationship to the peace officers within his territorial jurisdiction. Specimen reports as reproduced in Figure 5 should be furnished the sheriff for distribution among his reporting agents. The furnishing of envelopes and postage to the rural officials is very important.

In view of the above difficulties only the use of Return A, the monthly return of offenses, is contemplated for reporting in most counties. Too many agencies are concerned to make feasible the compilation of Return B. Besides, forwarding Figure 5 to the sheriff will call for about as much cooperation on the part of the various county officials as can now be expected. Not until the administration of rural justice becomes centralized under some responsible police officer will it be practicable to obtain Return B. When and wherever this is attained, Return B should be introduced.

An attempt to obtain returns of persons charged would encounter similar difficulties. When it becomes desirable to collect such returns from rural areas, the facts may best be obtained directly from the county courts or jail. This of course leads into the realm of judicial statistics. In the meantime, sheriffs, marshals, constables, and other rural police officials should maintain for their own purposes a register of all persons charged by them. (See Figure 17, Section 131.)

Crime Reporting by Federal Police Agencies

Sec. 141. Entirely different circumstances from those considered in the previous paragraphs are encountered in devising

return forms and instructions for federal police agencies. The more important of these agencies are the Bureau of Investigation in the Department of Justice, the Prohibition and Narcotic units, the Post Office inspectors, the United States marshals, the Secret Service Division, the Military and Naval Intelligence divisions, Customs and Immigration border patrols, the Investigation Division of the Shipping Board, special agents of the State Department, and the internal revenue agents. In contrast to the purely *cooperative* nature of reporting by police authorities within the states, the federal government can *require* returns from these agencies. Moreover, in nature and source the laws enforced by the federal police materially differ from those of the states. Federal police jurisdiction relates solely to those matters of which the regulation is reserved to the federal government by the constitution. The following enumeration taken from the compiled statutes of the United States is illustrative.

1. Offenses against existence of government.
2. Offenses against neutrality.
3. Offenses against elective franchise and civil rights of citizens.
4. Offenses against operations of government.
5. Offenses relating to official duties.
6. Offenses against public justice.
7. Offenses against currency, coinage, etc.
8. Offenses against postal service.
9. Slave trade and peonage.
10. Offenses within admiralty, maritime, and territorial jurisdiction of the United States.
11. Piracy and other offenses upon seas.
12. Certain offenses in territories.

The instructions for compiling returns by federal agencies are described here rather than in Chapter II for three reasons:

1. The Uniform Classification has no bearing upon federal reporting. For purposes of crime reporting the several territories and dependencies (including the District of Columbia) are treated as states.

2. The organization of the federal police forces differs

widely from that of the urban and rural agencies within the states; hence few of the instructions in Chapter II have any application.

3. Return forms and instructions are not given in detail but merely the method by means of which the system can be devised and installed.

Sec. 142. The Department of Justice at present either controls or is in close contact with the several police agencies heretofore enumerated. It directs the agency having the most comprehensive jurisdiction; namely, the Bureau of Investigation. This bureau actively cooperates in performing the day-by-day police duties assigned to these other units. (The Division of Identification and Information is a part of this bureau). Moreover, the Department of Justice through its district attorneys and marshals is in close touch with every phase of federal crime enforcement. It would seem therefore that the best way of obtaining returns from these agencies is for the National Division of Identification and Information to determine jointly with them the information which is to be compiled. Together they should agree upon return forms and instructions which will best harmonize with existing administrative practices.

The individual representatives of these agencies as well as their district subdivisions are already making field reports to their headquarters at Washington. Many of these reports contain the sort of information which is contemplated for the returns to the division of identification. For this reason the returns should be made a matter of administrative reporting within the agency, requiring as little as possible in addition to its regular field reports. Under these conditions both return forms and instructions would be sent directly from the headquarters office of the agency to those who are to make returns. When compiled, they will be returned to their headquarters and there consolidated or otherwise prepared for transmission to the National Division of Identification and Information. This avoids duplication which would occur in preparing separate and distinct reports both for their own headquarters and for the division of identification as well.

Sec. 143. The nature of returns to be collected from the several federal agencies will vary according to the nature of their duties. Some agencies are investigating offenses which will generally be known or reported to them. The returns for these agencies should show the number of offenses which are known to them as well as persons charged by them. The returns for other agencies can be limited to the number of persons charged by them and turned over to the courts for prosecution.

The first type is illustrated by the Division of Post Office Inspectors. The return for this division might give the same information for the following offenses as is required in Return B (Figure 2).

1. Holdup and robbery of mail conveyance or carrier.
2. Burglary of post office.
3. Theft of mail.

For persons charged by the inspectors the return might show the same data for the following offenses as is requested in Return C (Figure 3).

1. Holdup and robbery of mail conveyance or carrier.
2. Burglary of post office.
3. Theft of mail.
4. Fraudulent use of mails.
5. Mailing obscene matter.
6. Embezzlement of official funds.
7. Money order forgeries.
8. Miscellaneous.

The second type of agency is exemplified by the Prohibition Bureau. In this and similar cases the returns should not provide for the number of offenses committed as these offenses are not of the kind generally reported or known to the police. The principles laid down in Sections 26 and 191 for placing offenses in Part I or Part II of the Uniform Classification, apply equally here.

Sec. 144. The geographical divisions by which the data in the returns are to be classified present a delicate problem. The federal agencies assign their field representatives to districts of varying size; for example, the Bureau of Investigation has

thirty-three districts, the Prohibition bureau twenty-four, Post Office inspectors fifteen, Secret Service thirty-five, and so on. These districts cut across the boundaries of some of the larger and more populous states, and frequently include several of the sparsely settled or small states. In other words, the various types of districts furnish no common denominator for geographical distribution.

However, the agencies so divide their operations within the districts that each can separate the returns according to states. This is wholly desirable, for then the Department of Justice can classify the data for its publications by states, thereby harmonizing with the statistics of urban and rural police agencies. Due to the varying degree in which the state criminal codes supplement the federal code, this comparison of federal police activity with that of the police within each state is essential. In the case of prohibition enforcement, for instance, it is rather important to know the relative activity of federal and state police agencies, particularly when comparisons are made between those states which have, and those which do not have, enforcement laws.

The ability to make such comparisons has its greatest significance in large cities. It is therefore urged that the federal returns show the statistics separately for cities of over 50,000 or 100,000 inhabitants. The facts for the remaining portions of the state, both urban and rural, can be totalled.

Sec. 145. Two or more of the federal agencies are likely to make arrests for the same type of offense. This applies particularly to the United States marshals and the Bureau of Investigation, both of which perform a wide variety of services. It may therefore be necessary, in publishing the returns, to show the total number of persons charged for some offenses irrespective of the agency making such charges. This may prevent the returns for each agency from being presented separately.

Indeed, it would be highly desirable to have a unified system of reporting in which the marshal assigned to each federal court district would compile a consolidated return for all agencies operating in his district. Perhaps a scheme of this nature can

be devised, particularly if the miscellaneous agencies are organized into a unified federal police force. At any rate, precautions must be taken to prevent the marshal from including persons charged in his returns which are reported in the returns of another agency. Similarly, he must include all persons (or offenses) which are not included by other agencies.

Reports and Services

Sec. 146. Publication of the results of the returns may be effected by the Department of Justice in a number of ways. The following are suggested:

1. Monthly releases and bulletins of offenses known to the police.
2. Special bulletins or reports containing comprehensive treatment of a specific subject.
3. Annual reports of offenses known to the police and persons charged.

Sec. 147. The United States Public Health Service publications illustrate the kind of bulletins and reports which might be issued. This organization does not limit its publications to morbidity and mortality statistics, but issues extensive articles upon many features of public health, which have both general and technical interest. The Department of Justice is the logical organization to play a similar rôle in the field of criminal justice. The following description of services, tabulations, and publications which might be adopted are predicated upon this similarity.

Monthly Releases and Bulletins

Sec. 148. Just as the weekly public health reports furnish current information of health conditions in all sections of the country, so also will the monthly releases and bulletins of the Department of Justice serve as barometers of crime. The press releases describing crime conditions generally and the bulletins giving specific figures for nation, state, and city will inform both police and public when crime is increasing, decreasing, or changing in character.

Sec. 149. The monthly releases may be confined to a brief

statement to the press of the general increase or decrease of major crimes and the sections or cities where the most distinct trends appear. Of particular merit is their value as an antidote for newspaper crime waves. They also have the positive quality of indicating sudden increases in certain types of crimes, thereby allowing the police and other agencies of justice to take precautionary measures. It should be possible to prepare and issue releases one to two weeks in advance of the printed monthly bulletin.

The practice of the United States Public Health service of preparing special releases of general health interest to serve as newspaper "fillers" also has application in the field of criminal justice. In addition to bringing significant facts concerning crime and the police before the public, the preparation of such "fillers" by the Department of Justice will guide police chiefs in releasing similar matters. By helping the chiefs to reach a greater number of people with accounts having educational as well as news value, the department will materially aid in clearing up current misconceptions concerning crime and the efforts to repress it.

Sec. 150. The monthly bulletin should contain not only a more extended statement of the incidence of crime but also summarized and detailed tables of the monthly return (Figure 1). The first part of the bulletin may be confined to summaries and comparisons between the large cities, and when sufficient returns are available, for the states, geographical divisions, and the country as a whole. Graphs and charts should have great value in showing tendencies and comparisons. The detailed tables suggested below may comprise the second part of the bulletin.

Comment in the monthly bulletin should describe not only the statistics and how they are obtained, but also indicate the general conclusions to be drawn from them, and their limitations. In addition, articles on crime topics, abstracts of laws and decisions, summaries of special analyses or investigations, suggested improvements in the mechanics of record keeping or in the use made of crime statistics, and progress in extending the reporting units, all may find a place in the monthly bulletins. The antici-

pated results of uniform crime reporting may advantageously be used as a guide to the purpose, content, and plan of these monthly releases and bulletins.

Tabular Summaries for the Monthly Bulletin

Sec. 151. The tables appearing in the monthly bulletin should be confined to raw figures. They may be of three general types, all based directly upon the monthly return of offenses known to the police:

1. Tables showing for each class of crime and for each city or group of cities, the number of offenses reported during the month. The population grouping to be employed will depend upon the number of offenses reported from the smaller cities. If the latter are separately treated, only the more frequent offenses—robbery, burglary, larceny, and auto theft—need be shown for them.

2. Comparative tables showing for each class of crime and for each city, or group of cities, the number of offenses for the current month, for immediately preceding months, and for corresponding periods in the preceding year or years.

3. Individual classes of crime may be undergoing such significant change in volume or distribution as to warrant separate treatment. Thus, if robberies were increasing in marked fashion, they could be set up separately in table, graph, or chart; or the classes might be grouped to show the tendencies of *offenses against the person* as contrasted with *offenses against property.*

Special Reports

Sec. 152. The scope of the special bulletins or reports of the Department of Justice depends entirely upon the extent of its activities. If the National Division of Identification and Information becomes a general clearing house of information relative to crime and police activity as now contemplated, then the subjects for special reporting may be of many varieties. The items enumerated above for the monthly bulletin are subject to special reports when they are comprehensive studies in themselves, or of sufficient importance for separate treatment. More-

over, the results of technical researches and experiments both here and abroad; investigations, surveys, and special analyses of crime; manuals of crime reporting for states, rural areas, the territories, and federal agents; instructions in operating police records; discussions of police procedure, and in fact any phase of justice administration; are materials for special reports. In the final analysis, the length, scope, and treatment of the matter must determine if it is to be a special report or a part of the monthly bulletin.

The Annual Report

Sec. 153. The general composition of the annual report is not without precedent. *Prisoners,* a statistical report by the Bureau of the Census on imprisoned offenders in 1923 and 1926, will prove a useful guide. The English, Irish, and Scotch reports, all entitled *Criminal Statistics,* are the most comparable foreign reports. The reports of other foreign countries are also suggestive, although most of them are confined to judicial statistics. The reports of the larger cities in these countries can also be studied with profit. The more important reports of foreign countries are as follows:

England and Wales, *Criminal Statistics;* His Majesty's Stationery Office, London.

Scotland, *Statistics Relating to Police Apprehensions, Criminal Proceedings, etc.;* His Majesty's Stationery Office, Edinburgh.

Ireland, *Criminal Statistics;* His Majesty's Stationery Office, London.

Canada, *Criminal Statistics;* King's Printer, Ottawa.

New Zealand, *Crime Statistics;* Census and Statistics Office, Wellington.

Belgium, *Statistique Judiciaire de la Belgique;* Etablissements Généraux d'Imprimerie, Rue d'Or, 14, Bruxelles.

France, *Compte Général de la Justice Criminelle,* Imprimerie Nationale, Paris.

Germany, *Kriminalstatistik;* Verlag von Reimar Hobbing, Berlin.

Italy, *Statistica della Criminalita;* Provveditorato dello Stato, Roma.

Czechoslovakia, *Rapports de l'office de Statistique,* Imprimerie Politika, Prague.

Austria, *Kriminalstatistik,* Bundesministerium für Justiz, Wien I. Herrengasse 7.

Japan, *Resumé Statistique de l'empire du Japan.* Bureau de la Statis-

tique générale, Tokyo. See also *Annual Statistics of the City of Tokio, Part VIII,* issued by the Statistical Bureau of the Municipal office.

Introduction—Part I of Annual Report

Sec. 154. The subject-matter of the annual report may be divided into three major parts. There is, first, the introductory statement, discussing the scope, significance, method, and order of presentation. The subjects covered will vary somewhat from year to year. In general, however, a brief history of the project and a statement of the objectives may be followed by discussions of its success to date, the number of states and cities making returns, and the lessons learned in the gathering and compiling of the returns. Next, brief comment might be made on the value and reliability of the statistics, the method of using them, and their limitations. The Uniform Classification should be described briefly and its general outline placed at the end of Part I or in the appendix. Of material interest is a statement concerning the actual operation of the classification. Finally should appear a statement of the methods and rules employed in compiling the tables and their arrangement in the report.

These topics by no means exhaust the subjects to be included; they indicate, nevertheless, the general nature and content of the introduction. The decision concerning what is to be included or excluded must wait upon the experience gained in obtaining the returns, in setting up the tables, and finally upon the scope of the report itself.

Summaries and Comparisons—Part II of Annual Report

Sec. 155. The second part of the report may be restricted to summary and comparative statements. The purpose is not so much to show the facts for individual cities, but rather to indicate crime tendencies over wide areas—geographical divisions, states, counties, and large cities. In other words, this part of the report will answer the following questions: How much crime is there? When does it occur? What is its geographical distribution? Is it on the increase or decline? Is the character of

offenses changing? What results are obtained by the police in clearing cases? Special treatment may be given to individual types of crime when they reach proportions of unusual interest or significance.

Similarly for facts relating to offenders, this part will briefly summarize and compare the numbers of persons charged, whether they are arrested, summoned, or notified (cited), and how many are found guilty. Returns of age, sex, color, and other social facts when obtained, together with judicial statistics, should likewise be treated.

Since this part of the report is a "digest" of crime conditions, it should not be burdened with long tables or involved figures. It should be prepared in such a manner that the average citizen, official, or journalist can obtain a broad view of crime conditions in a few moments. To this end rates, percentages, graphs, and charts must be heavily relied upon.

Tables and charts for this part of the report need the same kind of explanatory and qualifying comment as in the monthly bulletin. Not only should the comment indicate conclusions which may be drawn, but also the limitations of the figures. The latter is very important as a preventive measure against unjustified use of crime statistics.

Detailed Tables—Part III of Annual Report

Sec. 156. The third part of the annual report contains the detailed tables. These tables present the facts of the returns for the current year. From them can be obtained the crime conditions in an individual city whether large or small. In addition, comparative tables which are of a detailed nature or which apply to small cities may properly appear here, although their summaries and conclusions are placed in Part II.

Extensive explanatory comment for the detailed tables is unnecessary. A short statement preceding each table should be sufficient to explain what it shows and how it is obtained. During the first year or two, the very novelty of the detailed tables will necessitate fuller description and interpretation. If the number of cities forwarding the returns is limited at first to a

mere handful, there would be no advantage in making separate divisions of Parts II and III.

Principles and Cautions for Preparing Tables

Sec. 157. Two means are employed here to indicate the scope and design of tables for the annual report. First, a list is made of certain principles and cautions to be applied in preparing the tables. Second, a number of tables and comments are offered as illustrative material.

The following suggestions are not thumb rules but general guides for preparing tables from the returns. The application will vary from table to table. The list is general in content and by no means exhaustive.

All Facts Should Have Practical Value

Sec. 158. Facts should not be included in a table unless they offer practical aid to the police and other public or private agencies in dealing with crime and criminals. This aid may be of two kinds—administrative and sociological. It is the latter kind which is most abused.

Undue Refinement of Facts

Sec. 159. There is always the temptation to subdivide data so long as logical divisions are apparent. Frequently this adds nothing to the value or utility of the presentation. Intricate refinements are difficult both to visualize and to interpret. Detailed tables are sometimes desirable as an appendix in order that interested parties may devise new combinations, but major tables or charts showing the striking phases of the problem should be limited to a very few significant facts.

Completeness and Accuracy

Sec. 160. The facts presented in the tables should be complete and accurate. If deficient in any respect, they should be either fully explained in the text or by foot-note, or omitted from the table. It cannot be expected, however, that the returns during the initial years will be entirely satisfactory.

Uniform Presentation

Sec. 161. The nomenclature, order of presentation, statistical methods, and physical make-up of tables should be uniform. Publications of crime statistics of other countries will be helpful in developing tables.

In presenting tabular materials, some systematic order in the subject matter should be adopted. It is suggested that the best foreign systems, which treat first of the offense, and then of the offender, be used as a general model. The illustrative tables in this chapter have been arranged accordingly.

Detailed, Summary, and Comparative Tables

Sec. 162. The size of the cities or areas for which the facts are shown will determine the amount of detailed information to be placed in each table. Facts for the largest cities and areas may be set up in great detail, whereas many of the refinements would have no value for small places. There is no need of listing page after page of detailed statistics if all practical purposes are served by grouping small places by county, state, or geographical division. Such groups are necessary in order to indicate sectional tendencies or to compare crime in large and small cities.

Until all places within the state, division, or other area are forwarding returns, rates and percentages must be heavily relied upon for comparative purposes. The tables of small cities may generally be limited to a few important facts of the current year such as the number of known offenses and persons charged. No table or series of tables should be so detailed that broad tendencies are obscured, nor should tables have long columns of blank spaces with only a sprinkling of figures.

The geographical divisions employed by the Census Bureau should be adhered to.

Rates and Percentages

Sec. 163. The rapid growth of some of our cities has carried the totals of certain crimes to unprecedented levels although the crime rate in relation to population may have remained almost

stationary. The use of rates and percentages will measurably correct such erroneous impressions and make it possible to compare one jurisdiction with another. Summaries of tables and general conclusions must rely heavily upon them.

Rates and percentages must be based upon a sufficient statistical group. As the number of inhabitants or cases serving as a base decrease, the less reliable become the figures based upon them. Murder rates in a village of five hundred inhabitants mean nothing; nor do percentages of burglaries cleared by arrest, if, for example, there are two offenses and one clearance. Rules should be established for all cases of this nature.

Specific Rates

Sec. 164. In order that specific rates can be computed, the areas, divisions, and social groupings used in both the returns and tables should conform to Census Bureau practice. This identity between the things to be compared and the basis of the comparison is indispensable in computing specific rates. For example, in computing the rate of murders per 100,000 population, the number of murders must represent every murder occurring within the population area. Similarly, specific rates showing the extent to which certain special characteristics are found in persons charged must be based upon the total number of persons having that characteristic in the population represented.

The following illustrates both the value of specific rates and a type of inaccuracy to be avoided. In explaining the relative criminality of negroes and whites in a certain city, it was stated that of all the persons charged with major crimes, 48 per cent were negroes and 52 per cent white. This may show the proportion of the two color groups which pass through the hands of the police, but it holds far less significance than if the figures had been transferred into rates, showing that 25 negroes out of every 1,000 negro inhabitants were charged as compared with 3 per 1,000 whites.

Population Estimates

Sec. 165. Unless population estimates are accurate the rates derived from them will be unreliable. The striking varia-

tions in urban growth as a result of particularly favorable commercial conditions or resources make it impossible to adopt a rule of thumb method of estimation. Rates will be untrustworthy in those cities enjoying unprecedented growth unless special estimates are made. This is especially true in the later years of each decennium. Such estimates may be based on a special census, school enrollment, increase in water meters, and the like. If accurate estimates are not available, it will be best to omit rates from the tables and substitute index numbers and percentages wherever possible. In that event, the population estimates placed on some of the tables of raw figures should also be omitted.

By placing population estimates in tables of raw figures and showing rates in other tables the promiscuous publication of rates which have no sound basis or no basis whatever will be discouraged.

Checking Monthly Against Annual Returns

Sec. 166. Before tables are prepared from Return B (Figure 2), the number of offenses known or reported (Column 2) should be checked against the figures returned monthly in Column 2 of Return A (Figure 1). The same adjustments provided for Return A from month to month are carried into the figures for the annual Return B and hence the totals should be identical. If they are not in substantial agreement the Department of Justice should call the discrepancies to the attention of the reporting unit and secure the necessary corrections. In similar manner all returns should be closely inspected and the reliability of questionable figures established by communicating with the unit.

Control over Cleared and Unfounded Cases

Sec. 167. Exceptional clearances are listed as cleared in Return B in order that police may receive credit for all solved cases. The Department of Justice should strive to preserve uniformity among police departments in reporting exceptional clearances, as defined in Section 62.

TABLE —. NUMBER OF OFFENSES KNOWN TO THE POLICE IN CITIES OF 10,000 INHABITANTS AND OVER; FOR MONTH OF JUNE, 1930

STATE AND CITY (OR COUNTY)	TOTAL	FELONIOUS HOMICIDE		RAPE	ROBBERY	AGGRAVATED ASSAULT	BURGLARY	LARCENY—THEFT		AUTO THEFT
		MURDER AND NON-NEGLIGENT MANSLAUGHTER	MANSLAUGHTER BY NEGLIGENCE					$50 AND OVER	UNDER $50	
1	2	3	4	5	6	7	8	9	10	11
ALABAMA										
Anniston										
Bessemer										
Birmingham										
Etc.										

FIGURE 18. Detailed Table of Offenses for Monthly Bulletin

TABLE —. MONTHLY COMPARISON OF OFFENSES KNOWN TO THE POLICE IN CITIES OF 100,000 INHABITANTS AND OVER; PERIOD ENDING SEPTEMBER, 1930

CITY AND UNIFORM CLASSIFICATION (PART I CLASSES)	1930					1929				
	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER			FIRST QUARTER	SECOND QUARTER	THIRD QUARTER		
			JULY	AUGUST	SEPTEMBER			JULY	AUGUST	SEPTEMBER
1	2	3	4	5	6	7	8	9	10	11
AKRON—Total										
1. Felonious Homicide										
a. Murder and Non-negligent Manslaughter										
b. Manslaughter by Negligence										
2. Rape										
3. Robbery										
Etc.										

FIGURE 19. Comparative Table of Offenses for Monthly Bulletin

Similarly, the Department of Justice should use its influence to secure a uniform basis for writing off offenses as "unfounded." If a police department lists a relatively large number as unfounded, it should be questioned concerning its policy and informed concerning the changes which will bring it into line.

Tables of Offenses Known to the Police

Sec. 168. The following description is intended to indicate the manner in which tables may be set up from the monthly and annual returns of offenses (Figures 1 and 2). These are purely illustrative; no claim is made for them either as to their originality or their value under all circumstances and conditions.

Tables of Offenses for Monthly Bulletin

Sec. 169. Figure 18 shows how the detailed tables in the monthly bulletin might be constructed. All of its facts are obtained from Return A (Figure 1). The number of offenses is derived by subtracting the unfounded cases (Column 3) from known and reported offenses (Column 2).

The size of the cities to be included in this table will depend upon the number of offenses reported by them. If small places are separately treated, only the more frequent offenses—robbery, burglary, larceny and auto theft—need be shown. The same applies to counties. The largest cities might be set up separately by dividing each column in Figure 18 to show unfounded cases as well as the actual number of offenses.

Sec. 170. Figure 19 is designed to show comparisons of two kinds—comparisons with the immediately preceding months and with the same months in previous years. This table is open to extension or limitation as occasion requires. In so far as possible the comparisons should cover a twelve month period.

Individual classes of crime may be undergoing such significant change as to warrant separate treatment. For instance, if robberies were increasing in marked fashion, they could be set up separately in a table, graph, or chart.[2] Also the classes might

[2] The criminal statistics reports of Scotland and Ireland are particularly effective in their use of graphic charts.

TABLE —. OFFENSES KNOWN TO THE POLICE AND NUMBER CLEARED BY ARREST IN CITIES OF 10,000 INHABITANTS AND OVER (or 10,000 to 100,000 if Figure 21 is used); 1930

STATE AND CITY	ESTIMATED POPULATION	TOTAL		FELONIOUS HOMICIDE				RAPE		(ETC. FOR PART I CLASSES)	
				MURDER AND NON-NEGLIGENT MANSLAUGHTER		MANSLAUGHTER BY NEGLIGENCE					
		3		4		5		6		7	
1	2	OFFENSES	CLEARED	OFFENSES	CLEARED	OFFENSES	CLEARED	OFFENSES	CLEARED	OFFENSES	CLEARED
ALABAMA											
Anniston											
Bessemer											
Birmingham											
Etc.											
ARIZONA											
Phoenix											
Etc.											

FIGURE 20. Table of Offenses and Clearances for Cities of Over 10,000 Inhabitants

be grouped to show the tendencies of *offenses against the person* as contrasted with *offenses against property, etc.*

Detailed Tables for Annual Report

Sec. 171. Figure 20 shows how the information on Return B might be utilized for cities of 10,000 inhabitants or over.

The number of offenses is obtained by subtracting the unfounded cases (Column 3) in Return B from the known and reported offenses (Column 2). The number of cleared offenses is the sum of the current year's offenses in Return B which have been cleared (Column 4) and "offenses of previous years, cleared this year" (Column 6). The inclusion of the latter does not injure the reliability of the figures. Offenses will be similarly reported in Column 5 of the current year's return as not cleared which will be cleared during the succeeding year and then reported in Column 6 of the next return.

TABLE—. OFFENSES KNOWN TO POLICE AND THEIR DISPOSITION IN CITIES OF 100,000 INHABITANTS AND OVER; 1930

CITY AND UNIFORM CLASSIFICATION (Part II Classes) *1*	OFFENSES REPORTED OR KNOWN TO POLICE *2*	UN-FOUNDED *3*	ACTUAL KNOWN OFFENSES *4*	CLEARED BY ARREST *5*	NOT CLEARED *6*
AKRON—Total					
1. Felonious Homicide					
a. Murder and Non-negligent Manslaughter					
b. Manslaughter by Negligence					
2. Rape					
3. Robbery					
Etc.					

FIGURE 21. Table of Offenses and their Disposition for Large Cities

Sec. 172. The content of Figure 20 may be extended as in Figure 21 to show the number of reports which are declared unfounded by the various reporting units. This has particular

application for the larger cities (100,000 inhabitants and over), and during the initial years of the annual report.

Offenses occur with such infrequency in small places (under 10,000 inhabitants) that clearances may be omitted. For this reason the table of these places need show only the number of known offenses. Such a table would look like Figure 18. The offenses are obtained by subtracting the unfounded cases

TABLE—. OFFENSES KNOWN TO THE POLICE IN CITIES OF 100,000 INHABITANTS AND OVER; BY MONTHS, 1930

CITY AND UNIFORM CLASSIFICATION (Part I Classes) *1*	TOTAL *2*	JAN. *3*	FEB. *4*	MAR. *5*	APR. *6*	MAY *7*	(ETC.) *8*
AKRON—Total							
1. Felonious Homicide							
a. Murder and Non-negligent Manslaughter							
b. Manslaughter by Negligence							
2. Rape							
3. Robbery							
Etc.							

FIGURE 22. Table Showing Comparison of Offenses by Month

(Column 3) on Return B from the known and reported offenses (Column 2).

An alternative table might show the general results obtained in clearing cases in these small places by combining them by county, state, or division.

Offenses by Month in Cities of 100,000 Inhabitants or Over

Sec. 173. The monthly bulletins will offer information which may be summarized in the annual and special reports. Particularly will this be true for a month by month comparison of major offenses as in Figure 22.

Cities with less than 100,000 population have been excluded

in the belief that such places do not have cases in sufficient monthly number to be of significance. This at least is true for most of the offenses. The cities included are well distributed throughout the country and will give a composite picture of seasonal variations in crime. The table can be expanded to include smaller cities; or supplemental tables may be constructed to show the monthly rates for states and groups of cities or for selected offenses.

Comparative Tables of Offenses and Clearances

Sec. 174. The foregoing tables are confined to statistics of the current month or year. Figures 23 and 24 supplement them by showing a comparison of offenses over a period of years.

TABLE —. OFFENSES KNOWN TO THE POLICE AND NUMBER CLEARED BY ARREST IN CITIES OF 100,000 INHABITANTS AND OVER; 1930 TO 1934

CITY AND UNIFORM CLASSIFICATION (PART I CLASSES) *1*	OFFENSES KNOWN TO THE POLICE *2*					NUMBER CLEARED BY ARREST *3*				
	1934	1933	1932	1931	1930	1934	1933	1932	1931	1930
AKRON—Total.....										
1. Felonious Homicide.....										
a. Murder and Non-negligent Manslaughter.										
b. Manslaughter by Negligence										
2. Rape.....										
3. Robbery.....										
Etc.										

FIGURE 23. Table for Large Cities Showing Comparison of Offenses Over Period of Years

Figure 23 furnishes a statement of offenses and the number cleared by arrest in cities over 100,000 inhabitants. The number of offenses in Column 2 of this table corresponds to the number of offenses in Column 4, of Figure 21.

Sec. 175. Figure 24 is designed for smaller cities and omits the item "number cleared by arrest". However, including this item for groups of these cities might be desirable for purposes of comparison with the results in larger cities. Similarly, cities

TABLE —. OFFENSES KNOWN TO POLICE IN CITIES OF 25,000 TO 100,000 INHABITANTS; 1930 TO 1934

STATE AND CITY	TOTAL	FELONIOUS HOMICIDE		RAPE	ROBBERY	(ETC. FOR PART I CLASSES)
		MURDER AND NON-NEGLIGENT MANSLAUGHTER	MANSLAUGHTER BY NEGLIGENCE			
1	*2*	*3*	*4*	*5*	*6*	*7*
ALABAMA						
Mobile						
1930 (pop ....)...						
1931 (pop. ....)...						
1932 (pop. ....)...						
1933 (pop. ....)...						
1934 (pop. ....)...						
Montgomery						
1930 (pop. ....)...						
Etc.....						

FIGURE 24. Comparative Table of Offenses for Cities of Medium Size

under 25,000 inhabitants or groups of counties, etc. (which have been excluded from comparative tables altogether) could be summarized and included in this comparison. Analyses of results obtained in specific offenses are also to be considered.

TABLES OF PERSONS CHARGED BY THE POLICE

Sec. 176. The tables which may be constructed for persons charged by the police are similar to the tables of known offenses. They may all be prepared from Return C (Figure 3).

Tables are not suggested for social facts of persons charged, but in their stead are presented return forms supplementary to those appearing in Chapter II. The arrangement of these returns (Figures 29 to 32) will suggest the tabular forms to be employed.

TABLE —. PERSONS CHARGED BY THE POLICE AND NUMBER FOUND GUILTY IN CITIES OF 10,000 INHABITANTS AND OVER; 1930

CITY AND UNIFORM CLASSIFICATION (Part I and II Classes)	RELEASED BY POLICE (No Formal Charge or Prosecution)	PERSONS CHARGED (Resulting in Prosecution)			PERSONS FOUND GUILTY	
		TOTAL	ARRESTED (Taken into Custody)	SUMMONED, NOTIFIED, OR CITED	OF OFFENSE CHARGED	OF LESSER OFFENSE
1	*2*	*3*	*4*	*5*	*6*	*7*
ALABAMA						
Anniston—Total						
Total Part I Classes						
1. Felonious Homicide						
a. Murder and Non-negligent Manslaughter						
b. Manslaughter by Negligence						
2. Rape						
Etc.						
Total Part II Classes						
8. Other Assaults						
Etc.						

FIGURE 25. Table of Persons Charged and Number Found Guilty

Persons Charged in Cities With 10,000 Inhabitants or Over

Sec. 177. Figure 25 shows for each offense class in Parts I and II of the Uniform Classification, and for each city, all of the facts included in Return C (Figure 3). The figures for each column on the table are transferred from the corresponding columns on the return.

Differing practices in releasing persons charged and in using notice (citation) and summons process will produce striking

TABLE —. PERSONS CHARGED BY THE POLICE IN CITIES UNDER 10,000 INHABITANTS; 1930

ALABAMA					
UNIFORM CLASSIFICATION (Part I and II Classes) *1*	ABBEVILLE *2*	ALABAMA CITY *3*	ALBANY *4*	ALEXANDER CITY *5*	ETC. *6*
Total					
Total Part I Classes					
1. Felonious Homicide					
a. Murder and Non-negligent Manslaughter					
b. Manslaughter by Negligence					
2. Rape					
Etc.					
Total Part II Classes					
8. Other Assaults					
Etc.					

FIGURE 26. Table for Small Places Showing Number of Persons Charged

variations in the returns. In so far as possible these variations should be explained in the explanatory comment or by footnotes. It may prove desirable to raise the population limit of this table from 10,000 to 25,000 or even to 100,000. In that event cities under 25,000 could be included in Figure 26, and another table constructed for cities between 25,000 and 100,000 confined to two facts—"total persons charged" (Column 3 in Return C) and "persons found guilty" (sum of Column 6 and 7 in Return C).

Persons Charged in Cities under 10,000 Inhabitants

Sec. 178. Figure 26 is similar to that immediately preceding, but has been confined to the number of persons charged for each class of offense, in the belief that the communities involved are too small to warrant more detailed treatment. The figures are obtained directly from Column 3 of Return C.

TABLE —. PERSONS CHARGED BY THE POLICE AND NUMBER FOUND GUILTY IN CITIES OF 100,000 INHABITANTS AND OVER; 1930–1934

CITY AND UNIFORM CLASSIFICATION (Part I and II Classes)	PERSONS CHARGED (Resulting in Prosecution) 2					NUMBER FOUND GUILTY (As Charged or for Lesser Offense) 3				
1	1934	1933	1932	1931	1930	1934	1933	1932	1931	1930
AKRON—Total										
Total Part I Classes										
1. Felonious Homicide										
a. Murder and Non-negligent Manslaughter										
b. Manslaughter by Negligence										
2. Rape										
Etc.										
Total Part II Classes										
8. Other Assaults										
Etc.										

Figure 27. Comparative Table of Persons Charged and Found Guilty

If it becomes desirable to show the number released or found guilty in cities between 10,000 or 25,000 and 100,000, each city in this table might be subdivided into three parts with the headings "Released by the Police" (Column 2, Return C), "Total Charged" (Column 3), and "Found Guilty" (sum of Columns 6 and 7).

Comparative Tables of Persons Charged

Sec. 179. Figures 25 and 26 may be supplemented by comparisons of the number of persons charged by the police and

the total found guilty over a period of five years or more. See Figure 27. These comparisons are best limited to the larger cities.

A number of other matters concerning persons charged are appropriate subjects for comparative statements. For example, tables, charts, or graphs might be constructed to show changes in the policy of releasing persons, in the extension of notification methods for obtaining an offender's appearance in court, or changes in the relative number of persons found guilty of offenses charged, as contrasted with a lesser offense. These should all be brief and embrace large areas and populations.

Rates and Percentages in Comparative Tables

Sec. 180. The comparative tables shown above (Figures 23, 24 and 27) can be translated into percentages and rates per 100,000 estimated population as in Figure 28.

The employment of rates based upon sound population estimates is the only reliable means by which comparisons in the amount of crime can be visualized. By showing in conjunction with crime rates the percentage of offenses cleared by arrest and the percentage of persons charged who are found guilty, Figure 28 offers a complete picture of crime and the results obtained by the police.

The entries for Columns 2 and 3 in Figure 28 are obtained by computing rates and percentages from the data in Columns 2 and 3 of Figure 23. The percent of persons found guilty (Column 4) is derived from Column 3 of Figure 27. This table must be restricted to Part I Classes of the Uniform Classification as the facts for Columns 2 and 3 cannot be obtained for Part II Classes.

Additional Returns

Sec. 181. Returns A, B, and C as described in Chapter II (Figures 1, 2, and 3), provide the starting point for a uniform system of crime reporting. The information on these returns has more practical value for law enforcement agencies than anything else which might be obtained. For this reason it will prove

TABLE—. KNOWN OFFENSES PER 100,000 ESTIMATED POPULATION, PER CENT CLEARED BY ARREST, AND PER CENT OF PERSONS CHARGED WHO ARE FOUND GUILTY; IN CITIES OF 100,000 INHABITANTS AND OVER: 1930 TO 1934

CITY AND UNIFORM CLASSIFICATION (PART I CLASSES)	OFFENSES KNOWN TO POLICE—RATE PER 100,000 POPULATION					PER CENT OF OFFENSES CLEARED BY ARREST					PER CENT OF PERSONS CHARGED FOUND GUILTY				
	2					3					4				
1	1934	1933	1932	1931	1930	1934	1933	1932	1931	1930	1934	1933	1932	1931	1930
AKRON—Total															
1. Felonious Homicide															
a. Murder and Non-negligent Manslaughter															
b. Manslaughter by Negligence															
2. Rape															
3. Robbery															
4. Aggravated Assault															
5. Burglary—Breaking or Entering															
6. Larceny—Theft															
a. $50 and Over															
b. Under $50															
7. Auto Theft															
ALBANY—Total															
Etc.															

FIGURE 28. Table of Comparative Crime Rates and Results Obtained

desirable to concentrate upon obtaining these returns regularly from all police departments, and on having them uniformly prepared. By so limiting the returns, the police will not be confronted at the start by too many instructions and the task of compiling facts which have for them little apparent value. In other words, the project of uniform crime statistics should not be so burdensome that it will fall by its own weight.

It is therefore submitted that no returns should be added to those described in Chapter II until the latter have approached a high degree of accuracy, and their compilation by police departments has become a matter of routine.

Whenever, in the opinion of the Department of Justice, a reporting city has reached the point where the adoption of additional returns will not imperil Returns A, B, and C, certain returns of social facts concerning persons charged may be introduced. These facts relate to such matters as sex, age, color, nativity, country of birth, and number of previous arrests. For this purpose, Returns D, E, F, and G are suggested. (Figures 29, 30, 31, and 32.)

Instructions prepared in a similar manner to those provided for Returns A, B, and C in Chapter II will be required for these additional returns. The following comments will supply the chief materials for these instructions. Ultimately, all additional returns and instructions can be added to Chapter II to form a complete manual. At the same time Chapter II should be retained as an abridged manual for departments which are not yet ready for the additional returns.

The list of social facts should not be extended unless it is demonstrated that they will have practical value. None should be obtained merely because they are easily compiled or because they satisfy an idle curiosity. The facts introduced here have been carefully selected. All have a practical use in showing who and what are the persons committing crimes. Other facts of a similar nature have been excluded either because the police cannot furnish them or because they cannot be adapted to statistical presentation.

The reason for shortening the offense classification in Returns

D, E, F, and G is the belief that the facts called for will have little significance for some offenses. The number of classes which should be excluded in an individual return depends upon the kind of facts demanded.

Sec. 182. The total number of persons charged by the police (Column 3 in Return C) furnishes the base for these returns of social data. The totals in the returns should therefore be identical with it. The returns of social facts should not include persons released (Column 2 of Return C). However, some cities make a practice of releasing guilty persons by means of the "golden rule" or a similar principle, particularly in cases of drunkenness. Where the figures obtained in Return C reveal a large number of such releases, the Department of Justice should have the city subdivide the drunkenness (or other) class to show the data for them as well as for those charged and prosecuted.

Returns D, E, F, and G can be compiled by means of a tally or by tabulating cards, as described in Sections 85, 86, 124, 125, and 126.

The tables of social facts particularly lend themselves to the use of specific rates. The treatment should be largely summary in nature, combining cities by states or geographic divisions. Only for the largest cities, e.g., those over 100,000 population, should all of the facts be shown. There is also the possibility of special analyses of the more important offense classes or combinations of them or of the total of all classes.

Return D. Age and Sex of Persons Charged

Sec. 183. Return D (Figure 29) is designed to obtain annually the sex and age of persons charged by the police.

The age groups conform to the Bureau of the Census groups and hence permit the use of specific rates. The number of groups can be expanded or contracted, so long as the census age divisions are maintained.

Sec. 184. The variations in the juvenile age limit will produce striking differences in the returns for Columns 2, 3, and 4. For example, cities where the juvenile age limit is 18 will not have so many persons charged by the police at the age of 16 or 17

RETURN D

ANNUAL RETURN OF AGE AND SEX; PERSONS CHARGED BY THE POLICE

CITY / TOWN / VILLAGE / COUNTY } OF ..... STATE..... FOR YEAR ENDING DECEMBER 31, 19.....

UNIFORM CLASSIFICATION OF OFFENSES (PART I AND II CLASSES) 1	UNDER 16 2		16 3		17 4		18 5		19 6		20–24 7		25–29 8		30–34 9		35–39 10		40–44 11		45 AND OVER 12		UNKNOWN 13		TOTAL 14		
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	BOTH SEXES
1. Felonious Homicide...																											
a. Murder and Non-negligent Manslaughter.....																											
b. Manslaughter by Negligence.....																											
2. Rape.....																											
3. Robbery.....																											
Etc.....																											

FIGURE 29. Return D for Reporting Sex and Age

as a city where the age limit is 16. Juveniles should be entered opposite the offense they commit, as explained in Section 73. The age to be recorded is the age at the last birthday. If not known from the prisoner's own statement or otherwise, age should be entered as "unknown" (Column 13).

Return D omits the following offense classes:

13. "Offenses Against Family and Children"
15. "Driving While Intoxicated"
20. "Traffic and Motor Vehicle Laws"
21. "All Other Offenses"

The importance of entering juveniles under the exact offense committed, irrespective of a general charge such as *juvenile delinquency* which may be required by statute, is extremely important in compiling Return D. Otherwise juveniles will be improperly excluded from the return, thereby impairing comparisons between the several age groups.

In addition to tables with comparisons based on specific rates, it is suggested that a table showing the median age at which the important offenses are committed be given a place in the annual report. This table might compare median ages over a period of years.

Return E. Color and Nativity of Persons Charged

Sec. 185. Return E (Figure 30) is suggested for obtaining the color (or race), nativity, and parentage of persons charged by the police.

The classification by color or race includes three groups: (1) white, (2) negro, and (3) Indian, Chinese, Japanese, and other. The returns of cities which have a large number of Mexicans might show a separate column for these. The whites are subdivided into (1) native white and (2) foreign born white. Native white are distinguished for (1) native parentage where both parents are born in the United States or possessions, (2) foreign parentage where both parents are born outside of the United States or possessions, and (3) mixed parentage where one parent is native and the other foreign. Foreign born whites

RETURN E

ANNUAL RETURN OF COLOR AND NATIVITY; PERSONS CHARGED BY THE POLICE

CITY / TOWN / VILLAGE / COUNTY } OF ..... STATE ..... FOR YEAR ENDING DECEMBER 31, 19.....

UNIFORM CLASSIFICATION OF OFFENSES (Part I and II Classes)	NATIVE WHITE						FOREIGN BORN WHITE		NEGRO		INDIAN, CHINESE, JAPANESE, ALL OTHER		TOTAL		
	Of Native Parentage		Of Foreign Parentage		Of Mixed Parentage										
	2		3		4		5		6		7		8		
1	M	F	M	F	M	F	M	F	M	F	M	F	M	F	Both Sexes
1. Felonious Homicide.....															
a. Murder and Non-negligent Manslaughter.....															
b. Manslaughter by Negligence															
2. Rape.....															
Etc.....															

Figure 30. Return E for Reporting Color and Nativity

are persons born outside of the United States or any of its outlying territories. These distinctions which are set up in Columns 2 through 7 conform to the Bureau of the Census distribution for the general population and thereby permit the use of specific rates. Sex is also shown for each of these groups.

The offense classification for Return E is abridged in the same way as for Return D with the exception of Class 13, Offenses Against Family and Children, which is included. Class 21 is excluded altogether.

In order to compile Return E, the original police record of persons charged (chiefly the arrest record) must give the country of birth of the offender, of his father, and of his mother as in Figure 13. In addition it must show his color—whether white, negro, or other (Indian, Japanese, Chinese, etc.), as in Figure 30. Thus Columns 6 and 7 are taken directly from the color or race entry, Column 5 from the entry of country of birth of the person charged, and Columns 2, 3, and 4 from the entry of country of his mother and father when he is native born.

If it proves desirable to show these color and nativity groups by age classes, an additional return can be used which replaces the two sex classes in each column of Return E by a brief age classification. For example, Columns 2 through 7 may be subdivided into the age groups; under 18, 18-19, 20-24, 25-29, 30-39, and over 39, or other suitable classification. Columns 2, 3, and 4 might be combined for this more detailed distribution. It is also possible to subdivide these age classes into male and female, using, however, a shorter age classification—18-19, 20-24, and over 24. Under this arrangement only one form is required.

Return F. Country of Birth of Foreign Born Whites

Sec. 186. Return F (Figure 31) groups all foreign born persons according to country of birth. Thus the return includes in addition to all persons listed in Column 5 of Return E, those persons in Columns 6 and 7 who were born outside of the United States and outlying possessions. The countries listed in Column 1 comprise those employed by the Bureau of the Census for compiling statistics of inmates of institutions in 1927.

RETURN F

ANNUAL RETURN OF COUNTRY OF BIRTH; FOREIGN BORN PERSONS CHARGED BY THE POLICE

CITY / TOWN / VILLAGE / COUNTY } OF .... STATE ....FOR YEAR ENDING DECEMBER 31, 19.....

COUNTRY OF BIRTH	FELONIOUS HOMICIDE		RAPE	ROBBERY	AGGRAVATED ASSAULT	BURGLARY	LARCENY—THEFT	AUTO THEFT	OTHER ASSAULTS	FORGERY—COUNTERFEITING	EMBEZZLEMENT FRAUDS	(ETC. FOR ALL PART II CLASSES)
	Murder and Non-negligent Manslaughter	Manslaughter by Negligence										
1	2	3	4	5	6	7	8	9	10	11	12	13
EUROPE												
England.....												
Scotland.....												
Wales.....												
Ireland.....												
Norway.....												
Etc.....												

FIGURE 31. Return F for Reporting Country of Birth

The country of birth as entered on the police record of persons charged furnishes the information for Return F. This entry is the same as used in determining native or foreign born whites for Return E. The country of birth should be determined on the basis of present (post-war) boundary lines. A list of the changes of boundaries and transfer of territories due to the World War is found in the population publications of the Bureau of the Census.

The offense classification is abridged as in Return E.

The detailed tables to be constructed for the large cities, from Return F, may be limited to show only the ten or twelve countries in which the largest proportion are born. The list of countries will vary from city to city in accordance with the relative number of persons from each. The Census Bureau practice is to show only the more important countries of birth and arrange them in order of rank for each city. It might be best to set a rate or percentage distribution limit for determining what countries should be included rather than an arbitrary number of countries.

For comparative purposes tables can be confined to a few selected offenses. In many tables groups of countries such as Scandinavian, Slavic, etc. may be used rather than listing all individually.

Return G. Number of Previous Arrests

Sec. 187. Return G (Figure 32) is one of the most important returns in the series. Its purpose is to shed light on recidivism, that is, the extent to which the agencies of justice are dealing with a small group of repeated offenders as contrasted with first offenders. Information of this kind is difficult to obtain. In contrast to Returns D, E, and F, which are confined to personal characteristics of persons charged, Return G is concerned with their past criminal record. This involves adequate identification machinery and the maintenance of records which will reveal the offender's previous police history.

This does not mean that Return G is to be delayed until all cities have developed accurate criminal histories over a period

RETURN G

ANNUAL RETURN SHOWING NUMBER OF PREVIOUS ARRESTS OF PERSONS CHARGED BY THE POLICE

CITY / TOWN / VILLAGE / COUNTY } OF ..... STATE .....FOR YEAR ENDING DECEMBER 31, 19.....

UNIFORM CLASSIFICATION OF OFFENSES	PERSONS NOT KNOWN TO HAVE BEEN PREVIOUSLY ARRESTED	PERSONS KNOWN TO HAVE BEEN PREVIOUSLY ARRESTED BY POLICE—NUMBER OF TIMES (OFFENSES IN CLASSES 13 AND 20, MUNICIPAL ORDINANCES, AND REGULATORY LAWS EXCEPTED.)								
		TOTAL PREVIOUSLY ARRESTED	ONE	TWO	THREE	FOUR	FIVE	SIX TO TEN	ELEVEN TO TWENTY	ABOVE TWENTY
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*
1. Felonious Homicide.....										
a. Murder and Non-negligent Manslaughter.....										
b. Manslaughter by Negligence.....										
2. Rape.....										
Etc.....										

FIGURE 32. Return G for Reporting Number of Previous Arrests

of years. Many cities already maintain such histories, at least for major offenses. The introduction of the return will stimulate cities to improve their records of offenders or to develop records if none exist.

Return G is obtained directly from the individual records of arrest on which the number of previous arrests is noted at the time the offender's criminal history is looked up for court. Offense Classes 13 and 20 and all offenses in Class 21 which are of a petty or regulatory nature are omitted from the return.

Sec. 188. In view of our inability ever to know the actual number of offenses a person commits, the *number of previous arrests* has been selected as the most reliable index to recidivism. This is in contrast with the *number of previous convictions,* which is employed in many foreign countries. These countries, however, are not confronted with the same grave deficiencies in the prosecuting and court machinery. Our courts convict such a small and varying proportion of those prosecuted, that convictions would have little value as a measure of recidivism. For example, a man who has committed twenty offenses is detected and arrested for a dozen of them but convicted for only one. It is much more important to know of the twelve arrests than of the one conviction. Such statistics as are available show this example to be more the rule than the exception.

CHAPTER V

PART I OFFENSE CLASSES OF THE UNIFORM CLASSIFICATION

Sec. 189. A list of the 21 offense classes in Part I and Part II of the Uniform Classification and a brief description of the Part II Classes appear in Chapter II. It remains for this chapter to describe the seven Part I Classes in detail and to point out just how the schedules for these classes have been derived for the states, the District of Columbia, and the United States territories.[1] The seven offense classes are as follows:

1. Felonious Homicide
2. Rape
3. Robbery
4. Aggravated Assault
5. Burglary—Breaking or Entering
6. Larceny—Theft
7. Auto Theft.

The schedules show which offenses are to be included within these classes and which offenses omitted. By this process of inclusion and exclusion the classes in the schedules for the several jurisdictions are reasonably uniform. This uniformity is particularly desirable in compiling statistics of "offenses known to the police", for otherwise the statistics of one state could not be compared with those of another. In compiling returns, the police need only refer to the schedule for their own state, and by the process of listing the offenses included within a class and excluding those omitted, class totals will be obtained which will be reasonably comparable with those of the other jurisdictions. Although the primary purpose of these schedules is to produce

[1] The schedules for the forty-eight states, the District of Columbia, Alaska, the Philippine Islands, Porto Rico, the Territory of Hawaii, and the Canal Zone are arranged alphabetically in Section 225.

uniformity in compiling offenses known to the police, they will also be used in conjunction with Part II Classes for compiling the returns of persons charged.

Sec. 190. The titles of these classes should not be confused with the offenses in the statute books which may be listed under the same name. The most representative offense within a class has been generally selected as the class title. The majority of these titles take over the common law name of the offense which has been carried into the penal laws of the forty-eight states. Offenses have been placed in the class to which they logically belong regardless of the title under which they may be arranged in the statute books.

Schedules Limited to Seven Classes

Sec. 191. The question immediately arises—why have the schedules been confined to seven offense classes, with the omission of some rather serious crimes, such as carrying concealed weapons, arson, kidnapping, and the like? Briefly because the schedules aim to make possible the compilation of uniform and comparable returns of offenses known to the police (Figures 1 and 2). If the returns are to be comparable they must call for information which can be obtained in a uniform manner. The excluded offenses cannot be so obtained. Either they are concealed when committed so that the police frequently do not know they occur, or else their statutory definitions vary to such a degree that it would be impossible to obtain reasonably comparable results. Unless the returns are limited to those offenses which can be relied upon to give a trustworthy picture of crime, their purpose will be defeated at the start.

As is apparent in the next few paragraphs, a study of the Part II Classes has revealed the wisdom of excluding them from offense returns. (Part II Classes are only employed in the return of persons charged. See Sections 35 and 36.)

Other Assaults (Class 8) have been excluded from the Aggravated Assault class for two reasons. First, they do not involve the same degree of gravity as those retained in the Aggravated

Assault class; and second, many of the offenses in this class, e.g., hazing, wife beating, intimidation, and even simple assault, are not regularly reported to the police.

Forgery and Counterfeiting offenses (Class 9) are not frequently known to the police for a number of reasons. Investigations are often handled by private police agencies and settlements are often made unofficially between the parties. Many offenses of this nature are offenses against the federal government all of which have been excluded entirely from the police returns.

Embezzlement and Fraud (Class 10), although allied to larceny, are not generally reported to the police and hence are treated separately. It has been estimated that only fifteen per cent of these offenses ever come to the attention of the police. Fear of publicity or ridicule undoubtedly accounts for many concealments. Like forgery, these offenses are frequently turned over to private detective agencies.

Carrying or Possessing Weapons (Class 11) are offenses unlikely to be discovered except in case of suspicion when a search is made. Places which have attempted to compile the number of these offenses find that their computations are identical with the number of arrests.

Sex Offenses (*except rape*) (Class 12) are particularly apt to be concealed. At any rate, the number of these offenses which would come to the attention of the police would in no way be an index to the number actually committed.

Offenses Against the Family and Children (Class 13) are also often concealed, and if not are more commonly reported to the juvenile court or to social agencies.

Violating Drug Laws (Class 14), *Violating Liquor Laws* (Class 16), *Gambling* (Class 19), and *Violating Traffic and Motor Vehicle Laws* (Class 20). The offenses here are matters of regulation and not crimes *per se*. As a result they are not likely to be known to the police except as police vigilance uncovers them. Moreover, the laws of the several states covering these offenses vary materially in the extent of regulation.

Drunkenness (Class 17) and *Disorderly Conduct and Vagrancy* (Class 18) include offenses which are concealed in varying degrees. Cases of drunkenness are seldom known except when the police make an arrest. This applies equally to the other offenses in these classes except riots, prize fights, unlawful assemblies, etc., which, though perhaps serious, are of infrequent occurrence.

All Other Offenses (Class 21) are the additional offenses which do not logically belong to any of the Part I or Part II Classes and which for a number of reasons have not been given a separate class status. For example, arson and buying or receiving stolen property are serious offenses but so frequently concealed that the number of known offenses would be no index of their actual prevalence. Undoubtedly some police departments will wish to keep a separate record of persons charged for these offenses, but the number of such persons is not sufficient to warrant a separate class in Part II of the classification.

Blackmail and extortion are likewise from their very nature so frequently concealed by victims that these grave offenses are necessarily denied separate status.

Kidnapping is another serious offense and one which is generally reported to the police. However, the statutory definitions of this offense are so conflicting, particularly in connection with the related offense of abduction, that it has appeared best to exclude it both from the aggravated assault class and as a separate class. This does not preclude police departments in any way from maintaining for their own use a separate record of this offense or in fact any offense not listed in Part II Classes.

Criminal anarchism and criminal syndicalism are offenses which are both serious and generally known to the police, but of such infrequent occurrence as to exclude them from treatment as a separate class.

Municipal ordinances and state regulatory laws are either too petty in nature or too local in application to warrant separate class standing.

Similar reasons account for the exclusion of the remainder of these miscellaneous offenses from individual treatment, and their disposition under the general title "All Other Offenses."

The Preparation of the Schedules

Sec. 192. The method pursued in preparing the schedules has been of a three-fold nature. First of all, a detailed examination and comparison was made of the penal laws of each jurisdiction of the United States; that is the forty-eight states, the District of Columbia, and the territories of Alaska, the Philippine Islands, Porto Rico, Hawaii, and the Canal Zone.

With this material at hand it became necessary to establish the offense classes and to determine the scope and general content of each. Scrutiny of the definition in all the jurisdictions revealed the elements essential to constitute an offense in any particular class. The standard adopted determined the limitations of the class and resulted in the exclusion of each of the Part II Classes from the returns of offenses known to the police, and hence from the classification schedules.

Attention was then turned to developing schedules for each jurisdiction. Taking one class at a time, the penal offenses of each jurisdiction were listed under the classes to which they belonged. The rules governing the content of each class determined whether an offense was to be included or omitted. Sometimes only a part of the statutory definition was included. In this process it often became desirable to abridge or on occasion to expand the content of a class so that the classes would be uniform for all of the states. For example, separate classes were originally established for murder and manslaughter, but in devising the schedules the statutory definitions of these offenses were found to be too conflicting to produce uniform classes. However, by combining these two classes into a single class of Felonious Homicide, it is believed that comparable results will obtain. Subsequent sections dealing specifically with each class explain many of these conflicting elements, giving in detail the causes for including or excluding any matter.

Influence of the Common Law

Sec. 193. It is to be noted that the penal codes of all of the American jurisdictions, except the Philippine Islands, have their

origin in the common law of England. Without this common origin it would have been impossible to prepare schedules with comparative value.

The common law comprises that ancient body of jurisprudence which has grown through the centuries by means of judicial interpretation. Its growth has been accelerated by legislative enactments which have served to qualify judicial decisions, to extend its scope of application, and to reduce to precise written form what was already accepted as the common law of England. Such statutes, while superimposed upon the common law, have become deeply embedded in it, with the result that the two are now so closely intermingled as to form in effect one body of law.

The same process has been going on in the United States. The first colonial governments set up along the Atlantic seaboard inherited the common law as then existing. When these colonies became independent states, the system of law then in effect was taken over as it stood. There followed a more or less continuous period of development by legislative action, which has continued up to the present time and is still proceeding. A number of states still adhere closely to the definitions of crime as at common law. Even Louisiana, with a system originally based on other sources, has by statute expressly adopted the common law as a basis for its criminal law.

Application of the Common Law

Sec. 194. In the process of statutory development and judicial decision the scope of application of the common law principles has been extended with varying degree in the respective jurisdictions. The offense of burglary, for instance, confined at common law to the breaking and entering of a dwelling house in the night time with intent to commit a felony, may be committed under a number of our statutes by *any* unlawful entry (without breaking) of *any* structure (habitable or not) with intent to commit *any* crime (felony or misdemeanor); for examples, see the schedules of Colorado, Florida, Louisiana, New York, Oregon, and Washington. Similarly, the age of consent in the rape statutes differs from state to state. The items of

property which may be the subject of larceny are by no means identical in all jurisdictions. These and other variations in the statutes and decisions are wide enough and general enough to prevent exact correspondence of offenses as between jurisdictions in each of the Part I Classes of the Uniform Classification. Yet it is submitted that the degree of divergence is more apparent than real; that examination of the statutes will reveal that the fundamental elements of the offense, derived from the common law, are in practically all jurisdictions identical; and that apparent discrepancies in the schedules due to unequal statutory and judicial expansion of the common law, while unavoidable, will tend on the whole to offset one another.

Sec. 195. An outstanding exception to the foregoing occurs in the penal laws of the Philippine Islands. These are derived directly from Spain, thereby creating notable divergences from the other jurisdictions. The term "robbery" is applied not only to the taking of property by violence against any person but also by the "use of force upon any thing." The latter expression is further restricted to cases of breaking or entering, thus corresponding in part to the common law offense of burglary. But the common law conception of burglary as a breaking and entering with intent to commit *any* felony is without counterpart in the Philippine code. Certain qualifications in connection with larceny or theft also appear peculiar to the Philippines. No criminal liability attaches to the commission of theft (or fraud or malicious mischief) by persons in the following relationships, one against another: spouses, ascendants and descendants, and relatives by affinity in the same line; widowed spouse, with respect to property of the deceased spouse, before it has passed into the possession of another; brothers and sisters, and brothers-in-law and sisters-in-law, if living together. Certain classes of offenses are compounded for purposes of punishment, as robbery or attempted robbery resulting in homicide, and robbery accompanied by rape. These of course are separable and are classified in the schedule under the offense class appearing first in order of sequence. The division of crimes into felonies and misdemeanors in the American sense of these terms is not found in

the Philippine code, but offenses are classified according to a graduated scale of penalties depending on the circumstances attending the commission of the offense.

The territory of Hawaii likewise provides that larceny cannot be committed between a husband and wife. Aside from this, the Hawaiian schedule is quite in line with the others.

Sec. 196. In a few states, some of the Part I Classes of offenses are not defined in the statutes, but penalties only are prescribed. When an offense known to the common law appears by name only, without being otherwise defined, the statute as a rule is construed with reference to the common law definition. Whether the common law in such instances was adopted by constitutional provision (Maryland), by statute (Rhode Island), or by judicial decision (see State v. Danforth, 1819, 3 Conn. 112; Baldwin v. Walker, 1851, 21 Conn. 168; Card v. Grinman, 1823, 5 Conn. 164; Graham v. Walker, 1905, 78 Conn. 130) it is generally held to consist of the body of the common law as brought to this country by the colonists, so far as applicable to local circumstances and conditions. In some instances it is expressly taken to include British statutes existing prior to July 4, 1776, introduced and practiced under in the particular state. (Md. Constitution, Art. 5; R.I. General Laws, 1896, Ch. 297, Section 3.)

In all such instances, the decisions of the higher state courts have been examined in order to determine the manner in which the common law offense is defined in each jurisdiction. These definitions have been carried into the schedules, together with citations of leading cases. In three states, Connecticut, Maryland, and Rhode Island—no cases defining the offense being available—constitutional, statutory, or judicial authority is cited to the effect that under such circumstances the common law definition applies.

The Matter of Degrees

Sec. 197. It will be noted that the crime returns do not require or provide for a subdivision of the various offenses into those degrees which characterize so many of our statutory crimes.

Degrees are shown in the schedules for the jurisdictions that have adopted them, as the terminology of the statutes necessitates retaining them there; but, they should not be taken into consideration when reporting. They are merely arbitrary distinctions which have been introduced into the laws of the various jurisdictions for the purpose of grading the punishment. They have no basis in the common law, are not generally comparable between jurisdictions, and hence are devoid of significance for the purposes of uniform crime reporting.

For reasons stated in Section 221, provision is made in the returns of offenses known to the police (Figures 1 and 2) for the separation of Larceny-Theft offenses into those involving values over and under fifty dollars.

Varied Meanings for Felony and Misdemeanor

Sec. 198. Another distinction which runs through the penal laws is that which divides offenses into felonies and misdemeanors. Felonies are generally defined as offenses punishable by death or by imprisonment in a state penitentiary. Misdemeanors include all offenses, usually of a more petty nature, not so punishable. In other words, the distinction between these two rests almost exclusively upon the policy of the state with respect to penalties.

An inspection of the statutes reveals striking departures from the generally accepted meaning of these terms. In Delaware, for example, the penalty for misdemeanor is often more severe than for felony, including imprisonment up to ten years. The penalty for felony, however, usually includes whipping with a prescribed number of lashes. Examples are: embezzlement by the state treasurer, etc. is a *misdemeanor,* punishable by imprisonment from two to ten years; incest is a *misdemeanor,* punishable by fine not over $500 and imprisonment for not exceeding seven years; prize fighting is a *misdemeanor,* punishable by fine of $500 and imprisonment for one to ten years; throwing missiles at a railroad train is a *misdemeanor* punishable by fine of from $300 to $1,000 and imprisonment from six months to ten years.

In Michigan, carrying away, mutilating, or destroying or wrongfully retaining public records is a *misdemeanor,* punishable by fine not exceeding $1,000 or imprisonment in the state prison for not exceeding three years; fraudulently obtaining a signature to a note, etc. with intent to defraud is a *misdemeanor,* punishable by imprisonment in the state prison not exceeding ten years, or in the county jail for not more than one year, or fine not exceeding $1,000, or both.

In Pennsylvania, keeping a bawdy house is a *misdemeanor,* punishable by imprisonment in the penitentiary up to two years; setting on fire with intent to defraud the insurers is a *misdemeanor* punishable by imprisonment up to seven years.

In South Carolina the theft of grain or cotton from the fields is a *misdemeanor,* carrying a maximum punishment of five years imprisonment; fraudulently disposing of mortgaged property is a *misdemeanor,* with a ten year penalty.

In Mississippi, assault with a deadly weapon is a *felony,* but punishable by imprisonment in the state penitentiary for not exceeding ten years, or by fine not exceeding $1,000, or by confinement in the county jail up to a year, or both; abandonment of a child under six is punishable by seven years in the penitentiary or by not more than one year in the county jail.

In Maryland, only those crimes are felonies which were such at common law or have been declared so by statute. The fact that a crime is punishable in the penitentiary or is infamous does not make it a felony. (Dutton v. State, 1914, 123 Md. 373). And in North Carolina, if the *misdemeanor* is infamous, or done in secrecy or malice, it is punishable by imprisonment for not less than four months in the county jail nor more than ten years in the state prison. New Jersey, which draws no distinction between felonies and misdemeanors, nevertheless divides offenses into "misdemeanors" and "high misdemeanors", carrying alternative penalties of fine or imprisonment.

Besides this failure of individual states to follow a consistent rule as to what they consider a felony or misdemeanor, there is a wide diversity between states in the application of these terms to specific offenses. In a number of states, involuntary man-

slaughter is punishable as for a *misdemeanor*. This rule prevails in Texas and Washington (where the offense of voluntary manslaughter has been abolished), and in Colorado. In Maryland, Mississippi, and North Carolina, manslaughter, including involuntary manslaughter, may be punished by fine or confinement in the county jail or both, or in the state prison. But in California, Montana, and Nevada, manslaughter, including involuntary manslaughter, is punishable as for a *felony,* by imprisonment in the state prison for not exceeding ten years.

The offense of possessing burglar's tools is designated as punishable as for a felony in about half the states, and as a misdemeanor in the rest.

In larceny, the value dividing grand and petit larceny is generally also the demarcation between felony and misdemeanor. The wide divergence in this value in the various states, as well as in the kind of property and character of offense brought under the term "grand larceny", is fully illustrated in the discussion of larceny (Section 218).

Other examples of an identical offense being a felony in one state and a misdemeanor in another are worthy of comment. In the various sex offenses, adultery and fornication are sometimes a misdemeanor, sometimes a felony. Abortion, usually a felony, is a *misdemeanor* in Nebraska and Oklahoma. Sodomy, usually a felony, is a *misdemeanor* in New Mexico. Seduction, usually a felony, is a *misdemeanor* in Pennsylvania and South Carolina. Bigamy, usually a felony, is a *misdemeanor* in New Mexico and Pennsylvania. Indecent exposure of the person, usually a misdemeanor, is a *felony* in Oregon; and keeping a house of ill fame, usually a misdemeanor, is a *felony* in South Dakota. Innumerable other instances occur throughout the statutes.

These illustrations have been taken at random and form but a small portion of the departures from the accepted distinction. They are cited here as indicating the impracticability of drawing a sharp line of demarcation between felonies and misdemeanors. While the schedules presented are concerned only with certain of the more important offenses, yet even as to these it has been

found necessary to ignore such distinctions if the substantial integrity of the subject matter was to be preserved.

Aiders, Accessories, and Criminal Attempts

Sec. 199. Since the primary purpose of the schedules is to secure comparable data concerning offenses known to the police, all offenses by aiders, abettors, conspirators, solicitors, and accessories are excluded. While it is the policy of the penal laws everywhere to punish these auxiliary offenses, they are distinctly subordinate to the crimes to which they relate. To include them in Returns A and B would perhaps multiply by several times the number of reportable offenses, although the number of overt acts or other attacks against the peace and good order of society would remain unchanged. It is submitted that any effort to this end would seriously impair the value of the present undertaking as a barometer of crime. However, in compiling Return C, aiders, abettors, etc., are included, since that return is concerned with the number of persons charged with an offense and not with the number of separate offenses committed.

Sec. 200. Criminal attempts, on the other hand, are properly included for the reason that they involve not only specific intent to commit a crime, but also some act directed towards its commission. In other words, criminal attempts represent incomplete or thwarted crimes—acts which, but for the intrusion of some unexpected condition, accident, or mischance, would have succeeded in their purpose. Their omission from the classes would ignore a very significant portion of those acts which can serve as an index of crime. Since the statutes usually cover criminal attempts by a blanket declaration, it has not proved feasible to give citations in the schedules in every instance.

Similar conditions apply to assaults with intent to commit another offense. Thus, assault with intent to commit robbery or larceny, and assault with intent to commit rape, may be classed respectively as robbery and rape. Citations concerning such assaults are included in the schedules of all jurisdictions.

Based upon similar considerations, the Bureau of the Census has presented a rule in the following terms: "All attempts and

assaults with intent to commit homicide should be classified as 'assault' but all attempts and assaults with intent to commit other offenses should be classified under those offenses." [2]

The exception accorded by this rule to homicides is founded on the necessity for confining this class to cases actually resulting in death. Moreover, it is desirable to combine assaults with intent to kill, and all attempts of such nature with other aggravated assaults into a single class. But an attempt to kill by means other than assault is deemed to differ sufficiently in nature from the offenses in the aggravated assault class to warrant exclusion from it as well as from the homicide class, which is confined to deaths only. With this qualification the rule of the Bureau of the Census is adopted here.

Comparative Value of the Schedules

Sec. 201. The degree to which the schedules will secure comparable returns is worthy of consideration at this point. It must be granted that no classification could possibly be devised which would make crime returns absolutely uniform. This is precluded by a few states which introduce a novel or unusual combination of elements into the definition of an offense. Wherever such differences occur it becomes a practical difficulty to separate the identical elements into uniform classes and ask the police to report only the offenses which have these elements. However it should be borne in mind that the general definition of an offense in a given jurisdiction is often broad enough to cover all offenses of that nature, and that supplementary statutes dealing with specific features of such an offense merely serve to provide special penalties. The general definition of robbery for instance, would cover all such special cases as train robbery, bank robbery, highway robbery, etc. Some state legislatures have passed so many of these special statutes, covering so wide a range, that they give the impression of greater variation than actually exists. Other states have been content to let the general definitions suffice.

As a matter of practice, the police are not likely to concern

[2] Bureau of the Census; Instructions for Compiling Criminal Statistics, p. 6.

themselves with minute refinements of legal theory, but will enter an offense according to its general definition which is comparatively uniform from state to state. Since the schedules obtain substantial identity in the classes by basing all inclusions and exclusions upon identical considerations, they will afford the police a practical guide for producing offense returns founded upon uniform principles, uniformly applied.

Although the schedules appear somewhat formidable on paper, the police will find them simple to use in practice. Several large cities have already given them a trial in compiling annual reports and experienced no difficulty. After a few years of operation it is reasonable to expect that returns compiled with the aid of these schedules will attain as high a degree of accuracy as the English and continental systems which have required years to perfect. Further application of the schedules may suggest various changes which will serve to give them an even higher degree of comparability.

Detailed Description of Offense Classes

Sec. 202. In the sections which follow there are two general types of material. First, there is a discussion in detail of each of the seven offense classes comprising Part I of the Uniform Classification. It indicates the kind of problems which have been encountered and explains the reasons why certain offenses have been included in a class and others excluded. Following this are the schedules themselves. They show for each jurisdiction the statutory authorities consulted, the offenses included in each class with statutory citations, and the offenses to be excluded, regardless of the general titles which they may bear in the penal codes.

The statutory authorities which have been consulted are cited at the head of each schedule and are complete through 1929 with the exception of a few jurisdictions whose session laws were not available at the time of going to press. The schedules will be kept up to date through bulletins issued by the Department of Justice.

1. Felonious Homicide

Sec. 203. Homicide may be generally defined as the killing of one human being by another. The criminal law, however, does not take cognizance of all homicides. Thus excusable homicide, as in self-defense or through misadventure, although formerly punishable by the ancient common law, now carries no penalty. Likewise, justifiable homicide, as when the killing is required by law,—for example, a legal execution; or is permitted by law,—as in preventing the commission of a felony, in effecting an arrest, in preventing escapes, recapturing prisoners, or necessarily in suppressing public disorders, is not now and never was punishable. Excusable and justifiable homicides are omitted from the classification.

The homicides declared by law to be felonious or unlawful are commonly divided by the statutes into two major groups: murder and manslaughter. Although this division was unknown to the early common law, the statutes upon which it is founded are themselves so ancient as to have become virtually part of it. The basis of the distinction, in very general terms, is the presence or absence of malice, express or implied. By a process of refinement the statutes attempt in many instances to classify murder and manslaughter still further by dividing them into degrees, according as the unlawful killing was intentional and premeditated, or intentional but unpremeditated; or the result of passion; or committed in the perpetration of a felony, or of an unlawful act less than a felony, including the commission of a lawful act in a negligent manner whereby death accidentally ensues.

The above elements are expressed in the statutes with such degrees of variation or varieties of combination that the separation of felonious homicides into two classes, murder and manslaughter, which will be uniform between the states, has been found impossible. Nor are the police in the habit of going into such distinctions; they will generally place a charge of murder even in manslaughter cases, unless the occasion of the death is merely negligence not amounting to extreme recklessness, as is

often the situation in death by automobile accident. The two offenses have been combined therefore into the one class of Felonious Homicide. It is believed that substantial uniformity is attainable by preserving within this class *all* unlawful killings, without regard to whether the particular jurisdiction calls them murder or manslaughter, or by some other name (e.g., Texas, "homicide by negligence").

Sec. 204. For the purpose of segregating manslaughters resulting from negligence, including motor vehicle accidents, to which the same degree of criminality does not attach as in the case of other unlawful killings, felonious homicides are divided in the returns into two subclasses: (*a*) *Murder and Non-negligent Manslaughter,* including all murder and all other unlawful killings not the result of negligence; (*b*) *Manslaughter by Negligence,* including all unlawful killings, other than murder, which result from culpable negligence.

It is important to know how many deaths in the sub-class *Manslaughter by Negligence* are the result of motor vehicle accidents, but such a segregation is superfluous here because the National Safety Council issues rather detailed statistics showing the cause and conditions under which accidental deaths occur, which include most of the cases of this sub-class.

Sec. 205. The laws of some states declare the killing of an unborn child to be either murder or manslaughter. Various arbitrary distinctions are attempted in the statutes to determine when the unborn child is "quick," or "viable," and whether it is an "embryo" or a "foetus." It may be fairly questioned whether such matters are susceptible of accurate determination by the police or coroners. Moreover, it is clearly impossible to reconcile the various schools of opinion which have attempted to lend clarity to the subject. Finally, there is the very practical consideration that while such homicides are fairly common, they rarely come to the attention of public authorities unless death of the mother results. Since it is one of the purposes of this classification to facilitate the accurate enumeration of certain offenses, the killing of an unborn child has been excluded altogether from the homicide group.

Assaults with intent to kill, for the reasons expressed in Section 200, are to be entered in the Aggravated Assault class; likewise all attempts of such nature. The infrequent case of attempt to kill by means other than assault should be entirely excluded from both the Felonious Homicide and Aggravated Assault classes.

Sec. 206. Exclusions from the Felonious Homicide class in the various jurisdictions include the following offenses:

1. Killing unborn child by injury to mother or as result of abortion. (Alaska, Ark., D. C., Fla., Ga., Kan., Mich., Minn., Miss., Mo., Neb., Nev., N. M., N. Y., N. D., Okla., Ore., S. C., S. D., Wash., W. Va., Wis., Wyo.)
2. Concealing death of bastard. (Ark., Colo., Ore., Pa., Vt.)
3. Assisting in suicide. (Alaska, Ark., Fla., Kan., Mo., N. M., Ore., P. I., Tex., Wis.)
4. Death from duel fought without the state. (Fla., Ill., Ind., Mass., Mich., Minn., Miss., N. Y., N. D., Okla., R. I., S. D., Vt., Va., Wash., W. Va., Wyo.)
5. Acting as second, surgeon, etc., at a duel within or without the state, where death ensues. (Nev., N. M., N. D., Okla., P. I.)
6. Killing innocent person by perjury. (Cal., Colo., Ill., Neb., Nev., Vt.)
7. Attempt to murder by means not amounting to assault. (Ala., Me.)

2. Rape

Sec. 207. Rape may be defined, in general, as the carnal knowledge of a female, forcibly and against her will. This definition is subject to important extensions. Thus, if consent is given through fear of bodily harm, or the female is too young to be considered capable of consenting, or is of unsound mind, or is prevented from resisting by narcotics, etc., it is the policy of the law to punish for rape. The same is true of consent obtained by fraud or because of mistaken identity. Although such as these were generally excluded by the common law, the statutes usually recognize them.

The age of consent established by the several jurisdictions varies widely. For this reason, the schedules are limited in their value for purposes of comparison. Relatively few of the consent cases come to the attention of public authorities. Those which

are reported therefore cannot be accepted as indicating the number of offenses. But because the offense is of an aggravated nature it is presented in the schedules in order that interested persons may determine for themselves the extent to which comparisons are possible.

In addition to the offenses specifically listed under rape there should be included: (1) attempt to rape, (2) assault with intent to rape.

Sec. 208. A few states include in the category of rape certain offenses which are so far out of line with accepted definitions that it has been deemed necessary to exclude them. They are as follows:

1. Carnal knowledge of youths by females, or of an epileptic., imbecile, etc. (Colo., Ind., Mich., N. C., Wash.).
2. Indecent liberties (Colo., Conn., Ia., La., Mich., Minn., Mont., N. Y., N. D., Ohio, P. I., T. H., Utah, Wash.).
3. Carnal knowledge of inmate of institution for epileptics, paupers, deaf, dumb, blind, or prisoners (Conn., Ind., Mich., Va., Wyo.).
4. Transportation with intent to rape (Md.).
5. Publishing name of woman attacked (Fla., S. C.).

3. Robbery

Sec. 209. Robbery may be defined as the taking or attempted taking of property from the person or immediate presence of another through the use or threat of force or by putting in fear. In other words, it has many of the characteristics of a larceny, aggravated by the element of force, or threat of force. Where these elements do not appear, as in pocketpicking and purse snatching, the offense should be reported in the Larceny-Theft class.

In addition to the offenses specifically mentioned under robbery in the schedules, such as robbery armed, highway robbery, train robbery, bank robbery, hold-ups and the like, there should also be included: (1) assault with intent to commit robbery or larceny, (2) all attempts.

Sec. 210. The following transfers were necessary and have been effected in the schedules:

Transferred to Felonious Homicide:
1. Death resulting from train robbery (Neb.).
2. Robbery or attempted robbery resulting in homicide (P. I.).

Transferred to Rape:
1. Robbery accompanied by any intentional rape (P. I.).

Transferred to Aggravated Assault:
1. Obstructing, etc. train with intent to commit murder or other felony, etc. (Wyo.).

Transferred to Burglary—Breaking or Entering:
1. Safecracking (Ind., Ky., Mass., Mich.).
2. With intent to gain, taking personal property by the use of force upon anything (P. I.).

Transferred to Larceny—Theft:
1. Stealing from persons detained, injured or killed in a railroad accident (Mich.).
2. Stealing railroad attachments; possessing or maliciously removing same (Mich.).
3. Sudden snatching and carrying away of money or goods or stealing from the person of another (Alaska, Ga., Pa.).
4. Felonious stealing or larceny (Ark., Ky., N. C.).
5. Breaking or "robbing" in any manner any flume, rocker, quartz, quartz vein, lode, bedrock, sluice, sluice box or mining claim of another or trespassing on same with intent to commit a felony (Alaska).

Omitted from any Part I Class:
1. Conspiracy to commit train robbery (Ala.).
2. Grave robbery (D. C.).
3. Extortion and blackmail (Ark., Kan., Miss., Mo., P. I., Tenn., Tex., W. Va.).
4. Exhibiting moving pictures, etc. of train robberies, etc. (Mont.).

4. Aggravated Assault

Sec. 211. Assault is generally defined as any unlawful physical force, partly or fully put in motion, creating in the victim a reasonable apprehension of immediate physical injury. This definition is sometimes extended by statute to include any unlawful attempt, coupled with the present ability to inflict serious bodily injury on the person of another.

After an examination of the statutes dealing with assault, it is clear that if either of the foregoing definitions were adhered to, a large number of unimportant and petty offenses would be

included in this class. Offenses like touching another in a rude, insolent, and angry manner, and hazing, would fall in the same category and score just as heavily as assault with a deadly weapon with intent to kill, and maiming. Obviously, there is no comparison in the relative gravity of these two types of assaults and the inclusion of both in the same class would diminish its reliability as an index of crime. It has therefore been deemed advisable to omit from this class all simple assaults and assaults of a petty nature, and to confine it to serious or aggravated cases.

The term "aggravated" used in conjunction with assault is sometimes found in the statutes, where it is employed to indicate a special kind of assault, such as assault while hooded or in disguise, assault upon an officer in the discharge of his duty, assault in a court of justice, and the like. But in the Uniform Classification and the schedules which follow, the term "aggravated assault" has regard solely to the character of the injury inflicted or attempted. It includes only those serious assaults most likely to result in severe bodily injury or death. These aggravated assaults fall into natural classes, each class being more or less prevalent in all the jurisdictions. They are as follows:

1. Assault with intent to kill or murder
2. Poisoning
3. Assault with a dangerous or deadly weapon, including dueling
4. Maiming, mayhem, and assault with intent to maim or commit mayhem
5. Assault with explosives
6. Wilful obstruction of railroads
7. All attempts to commit any of the foregoing offenses

Because of the gravity of their nature and because in each case the overt act is accompanied by the use of a weapon or means likely to produce death or great bodily harm, it is believed that these offenses constitute the assaults most likely to be reported to the police.

Assaults with intent to commit a felony, including also administering any narcotic or other anaesthetic or intoxicating

agent with intent to enable or assist oneself or another to commit a felony, are excluded from the Aggravated Assault class and included under the particular offense—e.g., rape, robbery, or burglary—in connection with which they are committed. As noted in Section 200 assaults with intent to kill form an exception to this rule, being retained in the Aggravated Assault class.

Doubtless some will wish that kidnapping might have been included in this class. This offense was eliminated primarily from practical considerations, since in only a few jurisdictions was it possible to distinguish between kidnapping and abduction.

Offenses such as shooting, or throwing at or into railroad trains have been omitted from the aggravated assault group because they are usually offenses of malicious mischief by children. In each jurisdiction where such offenses are the subject of statute and have been excluded, there are other sections which cover the cases where actual physical injury results.

It has been necessary to divide certain sections, of which a part may clearly be aggravated assault and the remainder simple assault. For instance, in "assaulting, beating, or wounding an officer in the discharge of his duty," the assaulting or beating constitutes a simple assault and has been excluded, but the wounding is clearly of an aggravated nature and is retained.

Sec. 212. Certain transfers have also necessitated a division of a statutory section as, for instance, assault with intent to commit murder, rape or robbery. The assaults with intent to commit rape or robbery have been transferred to the Rape and Robbery classes while assault with intent to commit murder remains in Aggravated Assault. All such transfers are clearly indicated under "Omit" in the schedules which follow.

The following transfers have been effected in the schedules:

Transferred to Felonious Homicide:

1. Death caused by poisoning with intent to kill or injure (Tex.).
2. Killing in a duel fought within the state (Ariz., Ark., Cal., Colo., Fla., Ga., Ida., Ill., Ind., Ia., La., Me., Md., Mass., Mich., Minn., Mont., Neb., Nev., N. D., Ore., P. R., R. I., S. C., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.).
3. Death resulting from intentional shooting or throwing at any train, car, vessel or motor vehicle, obstructing a railroad or

interfering with railroad property maliciously or otherwise (Md., N. C., Pa., Tenn., Va., Wyo.).

4. Killing of a person held under a warrant (Pa.).
5. Death resulting from mob violence (Pa., W. Va.).
6. Death caused by placing explosives near houses, etc., with intent to injure, destroy, etc. (Mich.).
7. Death caused by wilful collision by operator of motor vehicle (Tex.).
8. Death from noxious substance ignorantly given by a person practising medicine (Tex.).
9. Killing, without malice, with a pistol intentionally pointed (Miss.).
10. Death resulting from the unlawful transportation of explosives (Ala.).
11. Death resulting from the setting of a spring gun (Wis.).
12. Death caused by the negligent operation of a steamboat (Ala., C. Z., P. R., S. C., Tenn.).
13. Death caused by the negligent operation of a motor vehicle (Colo., P. R., Tex.).
14. Death caused by the negligent operation of a railroad (C. Z., Miss., P. R., S. C., Tenn.).
15. Death of a pregnant woman from abortion (N. H.).

Transferred to Rape:

1. Assault with intent to commit rape, including administering chloroform, etc. or other narcotic, anæsthetic or intoxicating agent with such intent (Ala., Alaska, Ariz., Ark., Cal., C. Z., Colo., Conn., Del., D. C., Fla., Ga., Ida., Ill., Ind., Ia., Kan., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Neb., Nev., N. H., N. J., N. M., N. Y., N. C., N. D., Ohio, Okla., Ore., Pa., P. R., R. I., S. C., S. D., Tenn., T. H., Tex., Utah, Vt., Wash., W. Va., Wis., Wyo.).

Transferred to Robbery:

1. Assault with intent to commit robbery, including administering chloroform, etc. or other narcotic, anæsthetic or intoxicating agent with such intent (Ala., Alaska, Ariz., Ark., Cal., C. Z., Colo., Conn., Del., D. C., Fla., Ga., Ida., Ill., Ind., Ia., Kan., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Neb., Nev., N. H., N. J., N. M., N. Y., N. D., Ohio, Okla., Ore., Pa., P. R., R. I., S. D., Tenn., T. H., Tex., Utah, Vt., Wash., W. Va., Wis., Wyo.).
2. Assault or attack on train or on a person therein with intent to commit robbery (Colo., Ore.).

Transferred to Burglary--Breaking or Entering:

1. Assault with intent to commit burglary, including administering chloroform, etc. or other narcotic, anæsthetic or intoxicating agent with such intent (Ariz., Cal., Colo., Conn., D. C.,

Fla., Ida., Ill., Ind., Ia., Kan., Me., Mass., Mich., Minn., Miss., Mo., Mont., Neb., N. H., N. J., N. M., N. Y., N. D., Okla., Pa., P. R., R. I., S. D., Tenn., T. H., Tex., Utah, Vt., Wash., W. Va., Wis., Wyo.).

Transferred to Larceny—Theft:

1. Removing packing from car wheels with intent to steal (S. C.).

Omitted from any Part I Class:

1. Simple assault (Ala., Alaska, Ariz., Ark., Cal., C. Z., Colo., Del., D. C., Fla., Ga., Ida., Ill., Ind., Ia., Kan., La., Me., Minn., Mo., Mont., Mich., Neb., Nev., N. H., N. J., N. M., N. Y., N. D., Ore., Okla., P. I., P. R., R. I., S. D., T. H., Tex., Utah, Vt., Wash., Wis., Wyo.).
2. Battery (Ala., Alaska, Ariz., Ark., Cal., C. Z., Colo., Del., Fla., Ida., Ia., Ill., Ind., Kan., La., Mich., Minn., Mo., Mont., Neb., Nev., N. H., N. J., N. M., N. Y., N. D., Ore., Okla., Pa., P. I., P. R., R. I., S. D., T. H., Tex., Utah, Vt., Wash., Wis., Wyo.).
3. Challenging to duel, posting as a coward, leaving the state to evade the dueling law, being second or surgeon at a duel, etc. (Ala., Alaska, Ariz., Ark., Cal., C. Z., Colo., Conn., Del., D. C., Fla., Ga., Ida., Ind., Ill., Ia., Ky., La., Me., Mass., Minn., Mo., Md., Mont., Mich., Miss., Neb., Nev., N. H., N. J., N. M., N. Y., N. D., Okla., Ore., Pa., P. I., P. R., R. I., S. C., S. D., Tenn., T. H., Tex., Utah, Va., Vt., Wash., W. Va., Wis. Wyo.).
4. Assault while armed. with a cowhide, stick, etc. (Alaska, Miss., N. J., Ore., P. R., Tenn., Tex., Wash.).
5. Assault by a public officer under color of authority (Ariz., Cal., C. Z., Colo., Ga., Ida., Mont., P. R., Utah).
6. Assaulting or beating an officer in the discharge of his duty, resisting execution of a process, injuring a prison keeper (Alaska, Ark., C. Z., Colo., Conn., Fla., Ga., Kan., La., Md., Mich., Minn. Mo., N. C., N. H., N. J., N. M., N. Y., N. D., Ohio, Ore., Pa., P. I., P. R., S. D., Tex., Vt., Va., Wash.).
7. Assaulting a convict or convict assaulting another, and coercion of prisoners (Ala., Ariz., C. Z., Colo., Fla., Ga., Ida., Ind., Kan., Mont., Nev., N. H., N. C., Ore., P. R., Tex., Utah).
8. Carrying a deadly weapon with intent to assault (Ida., Mont.).
9. Carrying concealed weapons (Ind.).
10. Shooting or throwing at or into dwellings, trains, motor vehicles, etc., and shooting out of trains (Ala., Ark., Conn., Fla., Ga., Ia., La., Md., Mass., Minn., Mo., Miss., N. C., N. J., Ohio, R. I., S. C., Tenn., Vt., Va., W. Va., Wis.). Shooting while hunting (Wash.).
11. Using explosives or discharging gun on a passenger train (Ala., Ark., Ga., N. C., S. C.).

12. Assault while on a railroad train or car (Mont.).
13. Placing explosives under public or uninhabited buildings, etc., or on railroad tracks (Ala., D. C., Ky., Mass., Mich., S. C.).
14. Discharging explosives on a state park; using firearms in a public place (Ala., Ida., Ky., Va., W. Va., Wis.).
15. Drawing and threatening to use a dangerous weapon; presenting a gun, Roman candle, etc., loaded or not (Ala., Del., Ida., Ia., Ill., Ind., Minn., Miss., N. C., Ohio, Ore., S. C., Tenn., Vt., Wis.).
16. Intimidation (Ariz., Ia., La., Nev.).
17. Setting a spring gun, causing injury (Wis.).
18. Assault by hooded or masked persons; entering premises masked, with intent to assault (Ia., Ill., La., N. M., S. C., Tex.).
19. Conspiracy to commit assault (Ala., La., Ohio, Tex., W. Va.).
20. Hazing; wife beating (Colo., Del., Ga., La., Md., N. M., N. C., Ohio, Tenn., Tex.).
21. Maiming self (Ala., Minn., N. Y., N. D., Okla., S. D.).
22. Defiling well water; putting poison on the premises of another (Ala., Md.).
23. Advising murder; aiding suicide; provoking assault (Ia., Ky., Miss., Neb., Nev., Wash.).
24. Endangering life by overloading steamboat, etc., or by negligent operation of boiler in steamboat, manufactory, etc. (Ala., Ariz., C. Z., N. D., P. R., Tenn.).
25. Obstructing channel of a stream (Wis.).
26. Aiding interference with trains; preventing movement of train (N. M., Tex.).
27. Criminal negligence of railroad or steamboat employee, motor vehicle operator, etc. (Ala., Ariz., Colo., Conn., Ga., La., Miss., N. Y., Pa., P. R., S. C., Tenn., Tex., W. Va., Wis.).
28. Injury resulting from culpable negligence (Fla.).
29. Destruction of buoys, beacons, etc.; displaying false lights on seashore (Ga., N. C.).
30. Breaking or entering jails to injure prisoners (N. C.).
31. Interference with employers or employees (Ariz., Neb., Okla., Ore., Utah., Tex.).
32. Procuring miscarriage and attempts (Conn., D. C., Ga., Ind., Ky., Mass., N. H., Ohio, S. C., Va., W. Va., Wyo.).
33. Indecent liberties on a child or other person (Colo., Conn., Utah, Wash.).
34. Ill treatment of a child, idiot, or incompetent person (Ariz., C. Z., Conn., Ida., Mo., N. Y., N. D., Utah, Vt., Wis.).
35. Torturing or unlawfully punishing another (Ohio).
36. Attempt to injure another and assault to injure clothes (Ga.).
37. Discharging machine gun, throwing bomb, etc. from airplane, auto, ground (Ind.).

38. Unlawful manufacture, transportation, possession, etc. of explosives (Conn., Kan., La., Mich., N. Y., T. H., Wis.).
39. Menace or assault at a religious meeting (Kan., Mo.).
40. Upbraiding a public school teacher in the presence of a pupil (Mont.).
41. Injury from tampering with saw logs (Miss.).
42. Climbing on locomotive, engine, etc. (Md.).
43. Removal of packing from railroad coaches, etc. (N. C., Va.).
44. Assault on a house (N. M.).
45. Possession of acid, combustibles, steel filings with intent to injure (Ariz., La.).
46. Attempt to murder by means not amounting to assault (Ala., Me.).
47. Injury by tramps (N. C.).
48. Assault on electors near polls (Pa.).
49. Assault because of political opinions (S. C.).
50. Assault with intent to commit the infamous crime against nature (Neb., Nev., N. J., Utah).
51. Assault in a court, place of religious worship, of innocent amusement, in private dwelling; upon aged or decrepit; by adult male on female or child, or by adult female on child (Tex., P. R.).
52. Assault on a public minister, or persons of rank or authority (P. I., T. H.).
53. Intoxicated physician endangering life (C. Z., P. R.).
54. Insults, violence in a tumultuous affray (P. I.).
55. Assault with intent to commit a felony other than an offense under any of the Part I classes.

5. *Burglary—Breaking or Entering*

Sec. 213. Burglary is defined at common law as breaking and entering a dwelling house in the night time, with intent to commit a felony; and at common law, larceny, whether grand or petit, was always a felony. The statutes, however, have greatly expanded this definition. The ordinary meaning of "breaking" has been so amplified in the course of judicial interpretation as to cover practically any "entering", provided that it is unlawful and with intent to commit a felony. The places, the breaking or entering of which may be burglary, now include buildings or erections of almost every nature, railroad cars, vessels, tents, booths, and the like; and the offense may be committed by night or day. The intent, while still limited in the majority of jurisdictions to intent to commit a felony, is extended in a number

of others to intent to commit any crime, including both felonies and misdemeanors.

Sec. 214. For the purposes of these schedules it is deemed advisable to confine the returns on burglary to offenses of breaking or entering the structures or places enumerated in the statutes, with intent to commit a felony or *any* larceny. Intent to commit *any* larceny, whether grand or petit, is included in the definition of burglary because this is the express requirement of all those statutes—by far the majority—which in part define the intent necessary to constitute burglary in such words as "intent to steal or commit a felony" (eighteen states), "intent to commit (grand or petit) larceny or any felony" (thirteen states), "intent to commit any crime" or to "steal or commit any other crime" (twelve states), "intent to commit any felony or misdemeanor" (four states), "intent to commit any public offense" (one state). Likewise where the common law definition is to be applied (seven states); for the intent to commit a felony—part of the common law definition of burglary—includes intent to commit larceny, which was always a felony at common law. By analogy, where the statutory requirement reads "intent to commit any felony (thirteen states), the intent to commit larceny, whether grand or petit will constitute burglary for the purpose of the returns and the offense should be so entered. This conclusion is fortified by the fact that most burglary offenses are committed for the purpose of larceny, and the artificial division of larceny into grand and petit, or felony and misdemeanor, is being ignored for the purposes of the returns (Section 218).

Appropriate directions to secure this result are given under the burglary class in the schedules.

It is to be noted that the preceding comments on intent are based on examples taken from all the states. The sum of these examples by no means corresponds to the total number of states. A glance at the schedules will readily show that there is considerable overlapping in the provisions of a single state, for the offense with all its ramifications is seldom defined in any one section of the statutes but is distributed over a series of provisions in which the divers elements of time, place, entry, and in-

tent are variously expressed and combined. A single jurisdiction may specify the intent involved in burglary in one or more of the ways enumerated above according to where, when, and how the breaking or entering is committed. The schedules afford numerous illustrations.

It will be apparent that because of the divergent provisions both between and within the various jurisdictions as to the entry, place, time, and intent, there can be no exact correspondence of the burglary statutes, one with another. But it is submitted that when regard is had to all the provisions within each jurisdiction, the totals as between the jurisdictions will be found to be on a fairly comparable basis.

Sec. 215. All sections have been omitted from the schedules which deal with breaking and entering or entering without breaking, where no specific intent is charged; likewise, sections dealing with the offense of breaking and entering, or entering, otherwise than burglariously or in a manner not constituting burglary. It will be found that other sections adequately cover all instances of breaking or entering with intent to commit a felony, or any larceny.

Any offenses which do not possess the characteristics of breaking or entering, such as possession of burglar's tools, are not included.

Offenses commonly found in the statutes and listed in the Burglary—Breaking or Entering class are:

Burglary (all degrees)
Breaking and entering with intent to commit larceny or any felony
Unlawfully entering with intent to commit a felony
Housebreaking
Burglary and larceny
Safecracking
Assault with intent to commit burglary
All attempts to commit any of the foregoing offenses

Sec. 216. The following transfers have been effected in the schedules:

Transferred to Robbery:

1. Bank robbery (Ia., Wis.).

Transferred to Larceny—Theft:

1. Stealing lead pipe from partially constructed building (Wis.).
2. Theft by domestic servant, or by servant on board vessel, railroad car, etc. (Tex.).
3. Entering other than burglariously with intent to commit larceny (N. D., N. Y., Ohio, S. D.).
4. Entering premises to carry away bees or poultry (Ohio).
5. Entering arsenal or fort to take away state arms, etc. (Okla.).
6. Larceny in a dwelling house in the night time without breaking (Me.).
7. Breaking or "robbing" in any manner any flume, rocker, quartz, quartz vein, lode, bedrock, sluice, sluice box or mining claim of another or trespassing on same with intent to commit a felony (Alaska).
8. Taking away any locked or sealed receptacle to be broken or forced open outside the place of robbery (P. I.).

Omitted from any Part I Class:

1. Cutting or breaking walls, fixtures, etc. (D. C.).
2. Possession, alteration or repair of burglar's tools (Ala., Ariz., Ark., Cal., C. Z., Colo., Conn., Fla., Ga., Idaho, Ill., Ind., Ia., Kan., Me., Mass., Mich., Minn., Miss., Mo., Mont., Neb., Nev., N. H., N. J., N. M., N. D., Ohio, Pa., P. I., P. R., R. I., S. D., Utah, Vt., Va., Wash., Wyo.).
3. Display of moving pictures, etc., of burglaries (Mont.).
4. Breaking and entering, or entering otherwise than burglariously (Colo., Del., D. C., Fla., Ind., Ky., La., Md., Mich., Minn., Mo., Neb., N. H., N. Y., N. C., N. D., Ohio, Okla., R. I., S. D., Tenn., Wyo.).
5. Manufacture, sale or possession of explosives, percussion caps, etc., for burglarious purposes (Tenn.).
6. Being found in any building, etc., with intent to commit a felony (Ill., N. C.).

6. Larceny—Theft

Sec. 217. Larceny may be deemed the felonious stealing, taking and carrying, leading, riding, or driving away the personal property of another, without claim of right, with intent to deprive him of his ownership, or to convert such property to the use of the taker or another. The taking may be by stealth; or it may be by fraud or trick, as where the owner is induced to part with the possession merely—not the title—for a limited,

temporary purpose, as of hire or bailment, the person so obtaining possession having at the time the intent to steal.

Efforts have been made in some states—in New York, Massachusetts, Minnesota, Montana, and Washington under the term "larceny", and in California under the term "theft"—to consolidate into one statutory offense all thefts of the general nature of larceny but recognized as distinct offenses at common law. These would comprise what are commonly known as embezzlement or fraudulent conversion of property entrusted, and obtaining property by false pretenses. For the purpose of these schedules, however, larceny is confined to its common law sense of a wrongful taking or carrying away from the possession or constructive possession of another. Embezzlement or fraudulent conversion of property entrusted—including the conversion of goods lawfully in the possession of bailees, lodgers, and finders of lost property—and obtaining property by false pretenses, are therefore specifically omitted in jurisdictions designating these offenses to be larceny.

The reason for this limitation and exclusion is entirely practical. It is estimated that not more than fifteen per cent of fraud and embezzlement cases are reported to the police. The defrauded party is more concerned over getting his property back than in bringing the offender to justice; consequently investigation is often put into the hands of private agencies and the matter dropped when restitution can be effected. In other cases pride and fear of the ridicule which publicity might bring prevents the injured party from making the offense known. The elimination of this type of offense from the Larceny-Theft class will tend to keep the Larceny-Theft figures in the returns on a fairly comparable basis.

Frauds in connection with hired property are in general not mentioned in the larceny schedules. It is, of course, understood that where at the time of the hiring the intent to steal exists, there is an unlawful taking from the possession and the offense is larceny. But a lawful hiring and a subsequent intent to appropriate which is carried out, constitute an offense in the nature of embezzlement or fraudulent conversion which should

be excluded. Thus, obtaining the possession or use of any animal or vehicle without paying therefor, with intent to defraud, should be excluded unless it appears that the obtaining is with intent to steal [Nevada Schedule, see "Omit" (4)]. But a taking under a contract for loan, hiring or other bailment, etc. merely to obtain possession and with intent of fraudulent appropriation, is larceny [Tennessee Schedule, see (5)].

Sec. 218. The impracticability of any comparison based upon a distinction between felony and misdemeanor is particularly noticeable in the larceny group. The division was not known to the common law, under which larceny regardless of the value involved, is always a felony. It is purely artificial, devised for the purpose of grading the penalty, and what is more significant, it is applied without any standard of uniformity throughout the jurisdictions. Examination of the statutory provisions shows the utmost divergence in the values, kind of property, and character of offense upon which distinctions in the statutes between more and less serious larcenies are based.

The majority of states, thirty-one, divide larcenies into categories described as grand and petit. Sixteen others while not specifically employing these terms divide larcenies into those involving sums above and under a certain amount. Two states, Delaware and Pennsylvania, make no attempt at a division. The values at which the line between grand and petit larceny, or felony and misdemeanor, is drawn range all the way from $5 in Maryland to $500 in Rhode Island. Fourteen states draw the line at $20, six at $25, two at $30, four at $35, ten at $50, five at $100, and the rest at $5, $10, $15, $60, $200, and $500, respectively.

The unlawful taking of certain kinds of property is often specifically declared to be grand larceny, *regardless of value.* Such property includes livestock (Ala., Ariz., Calif., Colo., Ida., Kan., Mo., Mont., Nev., N.M., N.C., S.D., Utah, Va., Wash.); a dog upon which the license fee has been paid (Ark.); a bicycle (Ariz.); automobiles (Calif., Kan., Ky., Mo.); ore, minerals, etc. from mining claim or works (Calif., Colo.); fowl at night from messuage or premises containing the dwelling house of

another (Colo., Ida., Kan., Mo., Okla.); certificates of title for land (Colo.); a will or instrument affecting any interest in property, or recorded instrument, or a court or public record or writing (Ala., Kan., Minn., Mo., N.Y., Wash.); property of any value from a dwelling house, vessel, railway car, or any building (Minn.); property of any value from a building on fire, or removed in consequence of an alarm of fire (Wash.); property of any value from the person of another (Ariz., Calif., Ida., Minn., Mont., Neb., N.Y., N.D., Okla., S.C., S.D., Utah, Wash.).

As to character of offenses included, the term grand larceny is specifically applied not only to a taking and carrying away of designated property, but to such various acts as keeping in possession any running branding iron, etc. for running a brand on livestock [Idaho Schedule, see "Omit" (7)]; embezzling any will or recorded instrument, etc. [Kan., see "Omit" (5)]; Mo., see "Omit" (2)]; converting a stray [Mo., see "Omit" (3)]; selling or purchasing hides with obliterated mark or brand [Nev., see "Omit" (5)]; selling, etc. livestock levied upon under process; selling, etc. neat stock without seller's recorded brand or bill of sale from owner [N.M., see "Omit" (9), (11)]; privily entering and stealing from any house in the day or night [S.C., see Burglary (5)]; as well as generally to all cases of embezzlement or fraudulent conversion, obtaining by false pretenses, etc. in those states having a consolidated larceny statute, previously noted. The wide variations in such distinctions and the reason for ignoring them are readily seen.

Sec. 219. In explanation of the items of property included in the larceny schedules, it may be pointed out that the kinds of property which may be the subject of larceny have been greatly added to by statute. Thus from merely goods and chattels deemed strictly personalty, having some value and capable of being carried away, larceny extends now by statute to choses in action (bills, notes, etc.), written instruments in general, fixtures from buildings, produce or anything savoring of the realty, whether severed at the time of taking or previously, and to dogs and other animals not larcenable at common law. All such specifically designated items should be included. Cattle

and logs are also included where the larceny is effected not necessarily by a physical carrying away but by destroying the evidences of the true ownership or possession by altering or defacing marks or brands, falsely branding, etc.

All cases of pocketpicking, purse snatching, larceny from the person, and shoplifting should be included, being simply special applications of the general offense; also all attempts to commit larceny.

Assaults with intent to commit larceny constitute an attempted robbery and are to be entered on the returns for that offense.

Sec. 220. The schedules pertaining to the Larceny-Theft class include also auto thefts, although the latter constitute an entirely separate category in the Uniform Classification of offenses. The reason for this will be clear when it is considered that the theft of motor vehicles is included in every general larceny statute without specific mention, and that relatively few states deal separately with this subject-matter. Auto theft is separately treated in Sections 223 and 224.

Sec. 221. The larceny schedules as thus set up are believed to be fairly comparable one with another. Their chief fault, if it is a fault, consists in the fact that petty offenses are included with larcenies involving great craft and huge losses. It might be argued that this defect is more apparent than real, and that many larcenies which are planned on a grand scale prove to be of a minor nature only because some part of the criminal plan miscarried, or because the goods or money taken possessed a smaller value than had been anticipated. On the other hand, due regard should be accorded the natural reluctance of the police to give equal weight to an offense by a "door-mat" thief and by a "good" thief.

It has therefore been deemed advisable to subdivide this group in such a way that larcenies involving only small losses may at least be segregated. Doubtless many jurisdictions would prefer to make this separation according to some rule having local statutory acceptance. Such a procedure would be unsatisfactory for the following reasons: (1) The sums employed as a de-

marcation between grand and petit larceny vary widely in the several states. (2) Some offenses are designated as grand larceny *regardless of the value* of property stolen.

After a careful consideration of all of the factors involved, it has been decided to draw the distinction as to value at the arbitrary figure of $50. The mark thus set is high enough to exclude petty thefts from the major larceny category, without confining the latter to offenses of a relatively rare nature. Returns A and B therefore divide the Larceny-Theft class into (*a*) *$50 and Over in Value* and (*b*) *Under $50 in Value.* All attempts to commit larceny will be entered in Returns A and B as (*b*) *Under $50 in Value.* Return C makes no separation in this class.

Sec. 222. The following transfers have been effected in the schedules:

Transferred to Robbery:

1. Obtaining property by robbing (Ark., Ky., Mich., N. C., Pa., S. C., Tenn.).

Transferred to Burglary—Breaking or Entering:

1. Breaking and entering or entering, etc. with intent to steal (Ala., Alaska, Colo., Del., Ga., Me., Md., Mich., N. M., Ore., Pa., R. I. S. C.).

Omitted from any Part I Class:

1. Unauthorized use without intent to steal exclusive of motor vehicles (Ala., Alaska, Ark., Calif., Conn., Del., Fla., Ga., Ida., Ill., Kan., Ky., La., Me., Mass., Mich., Minn., Mo., Neb., Nev., N. H., N. J., N. M., N. C., Ohio, P. R., S. C., Tenn., Tex., Utah, Wash., W. Va., Wyo.).
2. Embezzlement or fraudulent conversion, sale, disposition, etc.
   In general (Ark., Cal., D. C., Ill., Ky., Me., Md., Mass., Mich., Minn., Mont., N. Y., Ore., Penn., R. I., Vt., Va., Wash., W. Va.).
   By bailee, trustee, etc. (Ark., Cal., Colo., Idaho, Ill., Ia., Ky., Minn., Miss., Mo., Mont., Neb., N. H., N. J., N. Y., N. C., N. D., Ore., Pa., S. C., S. D., Tex., Wash., Wis., Wyo.).
   By finder of lost property or estrays (Ariz., Cal., C. Z., Colo., Ga., Ida., Ia., Mich., Minn., Miss., Mo., Mont., Nev., N. M., N. Y., N. D., Okla., Ore., P. I., P. R., S. C., S. D., Tenn., T. H., Tex., Utah., Wash., W. Va., Wyo.).

Of furnishings by lodger (Ark., Colo., Kan., Neb., Nev., S. C.).
Of logs, lumber, etc. (Ala., Ga., Ia., N. C., Ore., Pa., S. C., Tex., Va., W. Va., Wis.).
Of military property of the state (Ala., Cal., Ga., Ida., Ind., La., Mont., N. Y., S. C., Tex., Wis.).
Of cattle, hides, etc. (Ariz., Colo., Nev., N. M., N. D., Tex.).
Of mortgaged personal property or from mortgaged premises (Calif., Colo., Ida., Ia., Ky., La., Miss., Mont., N. Y., Ore., P. R., Wis.).
Other specific property (Ariz., Cal., Colo., D. C., Fla., Ia., Kan., La., Md., Mich., Minn., Mo., N. M., N. Y., N. C., N. D., Ore., S. C., S. D., Vt., Va.).

3. Obtaining or receiving property by false pretenses, false personation, trick, etc. (Alaska, Ark., Cal., Del., Ill., Ia., Kan., Me., Md., Mass., Mich., Minn., Mont., N. M., N. Y., N. C., Ore., R. I., S. C., W. Va., Va., Wash.).
4. Miscellaneous provisions relating to:
   a. Livestock (Ala., Ida., Miss., Mont., Neb., N. M., Tex., Wyo.).
   b. Hired property—obtaining animal or vehicle with intent to defraud (Nev.); abandoning hired boat (Mich.); selling hired property (N. M.).
   c. Malicious injury or removal, etc. of:
      (1) Journal bearings or brasses or railroad property (Conn., Ida., Ill., Ia., Kan., La., Me., Md., Mich., Neb., N. M., N. C., Pa., R. I., S. C., S. D., Utah, Vt., Va., Wyo.).
      (2) Standing crops or other property (Cal., Ida., Kan., N. Y., R. I., Utah, Vt.).
      (3) Part or accessory of any vehicle (Ky.).
      (4) Raft, boat, or vessel (Ala., Cal., Ill., Ia., Kan., Me., Mich., Neb., N. C., Ohio, S. C., Tenn.).
   d. Uttering check, etc., without sufficient funds or which is not paid (Mont., N. H., N. M., N. Y., S. C., Tenn., W. Va., Va., Wash.).
   e. Receiving, etc. stolen goods (Cal., Conn., Miss., N. Y., N. C., Okla., R. I., Tenn., W. Va., Va., Wash.).
   f. Horticultural exhibit (Me.).
   g. Trespassing on mining claim with intent to commit a felony (Alaska).

7. *Auto Theft*

Sec. 223. As stated above in Section 220, auto theft in some jurisdictions is not a separate and specific offense, and therefore is recognized only as larceny of personal property in general. Nevertheless, since the rapidly increasing prevalence

of auto theft has almost universally received separate statistical and administrative attention from police forces, there can be no doubt of the wisdom of according it separate status in the crime returns. In its essentials, the offense is so easily recognized that little difficulty would be encountered in compiling totals, even without the aid of a detailed schedule. But because a number of states have imposed penalties upon the unauthorized use of automobiles, even where no intent to steal appears, the schedules list all such omissions as are necessary to place the jurisdictions upon a comparable basis, as well as setting out the statutes specifically covering auto theft, where they exist.

Auto theft, therefore, includes all cases where a motor vehicle (including motor car, solo or side car motorcycle, or auto truck) is stolen; or driven away and abandoned; or such a taking is attempted. It does not include taking for temporary use *where actually returned,* nor unauthorized use by chauffeurs, garage employees, and others having lawful access to the vehicle.

In conclusion, it should be noted that a few police departments now make it a practice to enter a car as stolen only after it has been missing for twenty-four or forty-eight hours. All such should, of course, be entered as auto thefts if the circumstances of the taking actually fall within the definition contained here and in the detailed schedules. The above mentioned practice is not at all common, and police administrators who have countenanced it do not appear to insist upon its continuance.

Sec. 224. The following omissions are indicated in the schedules.

1. Temporary use without consent of owner; unauthorized use by chauffeurs, garage employees, etc. (Alaska, Ariz., Cal., Colo., Conn., Del., D. C., Fla., Ga., Ida., Ill., Ind., Kan., Ky., La., Me., Md., Mass., Mich., Minn., Mo., Neb., Nev., N. H., N. J., N. M., N. Y., N. C., N. D., Ohio, Pa., P. I., P. R., R. I., S. C., S. D., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.).
2. Use of motor vehicle in larceny of produce (Conn., R. I.).
3. Obtaining possession for temporary use by fraud (Ky., Pa.).
4. Embezzlement of hired or state vehicle (Ala., Ind., Ky., N. M., Utah).

5. Hiring motor vehicle or obtaining possession with intent to defraud (Ky., Me., Md., Nev., N. J.).
6. Abandoning hired motor vehicle (Ill., Ind., Ky., La., Md., Utah).
7. Unauthorized use after suspension or revocation of license (Mass.).

SCHEDULES FOR MAKING CRIME RETURNS

Sec. 225. In the following pages are the state and territorial schedules for Part I Classes of the Uniform Classification. Reference to the schedule for your jurisdiction will indicate the specific offenses which are to be included or excluded in compiling returns.

ALABAMA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Code of Alabama, 1923, Vol. II (Criminal).
General Acts, 1927; Special Session, 1926-1927.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: homicide perpetrated by poison, lying in wait, or any other kind of wilful, deliberate, malicious and premeditated killing, or committed in the perpetration of or attempt to perpetrate any arson, rape, robbery or burglary; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than he who is killed; or by any act greatly dangerous to the lives of others and evidencing a depraved mind regardless of human life, though without preconceived purpose to deprive any particular person of life. (Code 1923, Vol. II, Sec. 4454)

(2) Second degree: every other homicide committed under such circumstances as would have constituted murder at common law. (Sec. 4454)

Note: Murder in the second degree is the unlawful killing of a human being with malice aforethought, but without deliberation and premeditation. McQueen v. State (1893) 103 Ala. 12.

(3) Second degree: killing in a duel. (Sec. 4455)

(4) Killing in sudden rencounter or affray by use of concealed deadly weapon, deceased having had no weapon drawn. (Sec. 4456)

(5) Killing by mob violence, or lynching. (Sec. 4939)

(6) Manslaughter: First degree: by voluntarily depriving a human being of life. (Sec. 4460)

Note: The common law definition, viz., that manslaughter is the unlawful killing of another without malice, either express or implied, which may be voluntarily, upon a sudden heat, or involuntarily, but in the commission of some unlawful act, is the law of this state. Flanagan v. State (1871) 46 Ala. 703; Hornsby v. State (1891) 94 Ala. 55.

(7) First degree: killing from boiler explosion on a steamship operated by uncertificated or improperly certificated engineer. (Sec. 4461)

(8) Second degree: manslaughter committed under any other circumstances than first degree. (Sec. 4460)

(9) Manslaughter in a sudden rencounter, when armed with a razor, bowie or similar knife. (Sec. 4463)

(10) Death by railroad accident caused by negligence or want of skill of railroad employee. (Sec. 5334)

(11) Death from negligent or unskillful operation of steamboat. (Sec. 5536)

(12) Death from unlawful transportation of explosives. (Sec. 5382)

2. RAPE

(1) Penalty clause. (Sec. 5407)

Note: Rape is not defined by statute. The common law definition, viz., that rape is the carnal knowledge of a woman forcibly and against her will, or the unlawful carnal knowledge by a man of a woman, forcibly, where she

does not consent, is the law of this state. Dawkins v. State (1877) 58 Ala. 376; McQuirk v. State (1888) 84 Ala. 435; Hooper v. State (1894) 106 Ala. 41; State v. Murphy (1844) 6 Ala. 765; Herndon v. State (1911) 2 Ala. App. 118.

(2) Having carnal knowledge of woman or girl above 14, without her consent, by administering drug or substance so as to prevent effectual resistance. (Sec. 5409)
(3) Having carnal knowledge of girl under 12 or abusing her in attempt at same. (Sec. 5410)
(4) Having carnal knowledge of girl over 12 and under 16, or abusing her in attempt at same. Section not applicable to boys under 16. (Sec. 5411)
(5) Having carnal knowledge of a married woman by falsely personating her husband. (Sec. 5412)
(6) Attempting same. (Sec. 5413)
(7) Assault with intent to rape. (Sec. 3303)
(8) All attempts.

3. ROBBERY

(1) Penalty clause. (Sec. 5460)
Note: Robbery is not defined by statute. The common law definition, viz., that robbery is a taking and carrying away of the property of another from his person, or in his presence, with felonious intent, accompanied by force, or putting in fear as a mean of effectuating the intent, is the law of this state. Thomas v. State (1890) 91 Ala. 34; Hill v. State (1906) 145 Ala. 58.
(2) Entering upon or going near any locomotive engine or car on any railroad and by threats or exhibition of deadly weapon or discharge of pistol or gun inducing or compelling any person thereon to deliver or allow to be taken anything of value. (Sec. 5461)
(3) Stopping or attempting to stop engine or car with intent to commit train robbery. (Sec. 5462)
(4) Assault with intent to commit robbery. (Sec. 3303)
(5) All attempts.

Omit

(1) Conspiracy to commit train robbery. (Sec. 5463)

4. AGGRAVATED ASSAULT

(1) Assault with intent to commit murder, maim, or to poison any human being. (Sec. 3303)
(2) Assault by convicts with intent to kill or maim. (Sec. 3304)
(3) Poisoning springs, wells, etc. (Sec. 5206)
(4) Unlawfully, maliciously and intentionally cutting out or disabling the tongue, putting out or destroying an eye, cutting, biting or striking off an ear, cutting, biting off or disabling a limb or member of any other person. (Sec. 4958)
(5) Being over 14, and wilfully and premeditatedly putting upon or against the person of another any acid, corroding or other irritant with intent to injure such person. (Sec. 3305)
(6) Train wrecking. (Sec. 5358)
(7) Exploding dynamite under steamboat, vessel, railroad car, house or building which is occupied by a person, whether present at the time or not. (Sec. 3886)
(8) Injuring or obstructing railroad trestle, etc. (Sec. 5357)
(9) All attempts.

Omit

(1) Assault with intent to commit robbery. [See Robbery (4).] (Sec. 3303)
(2) Assault with intent to commit rape. [See Rape (7).] (Sec. 3303)
(3) Conspiracy of convicts to commit assault with intent to kill or maim. (Sec. 3304)
(4) Setting off explosives under public and uninhabited buildings. (Sec. 3888)
(5) Injury or death resulting from the unlawful transportation of explosives by railroad. [See Felonious Homicide (12).] (Sec. 5382)
(6) Endangering life by steamboat boiler bursting. (Sec. 5533)
(7) Endangering life by steamboat racing. (Sec. 5534)
(8) Endangering life by overloading steamboat. (Sec. 5535)
(9) Injury on steamboat from negligence. (Sec. 5536)
(10) Loss of life on steamboat from negligence. [See Felonious Homicide (11).] (Sec. 5536)
(11) Maiming self to escape duty or to obtain alms. (Sec. 4941)
(12) Giving, accepting, or knowingly carrying a challenge to duel, in writing or otherwise; publishing another as a coward for not fighting or accepting a challenge to fight. (Secs. 3884, 3885)
(13) Killing in a duel. [See Felonious Homicide (3).] (Sec. 4455)
(14) Assault or assault and battery on another. (Sec. 3299)
(15) Assaulting and beating another with a cowhide, stick or whip, having a pistol in possession at the time. (Sec. 3300)
(16) Drawing a dangerous weapon on another or threatening to use such a weapon already drawn. (Sec. 3301)
(17) Presenting gun, pistol, Roman candle, or any firearm at another, whether loaded or not. (Sec. 4043)
(18) Using firearms while fighting in a public place. (Sec. 4045)
(19) Shooting, throwing missiles into, at, etc., dwelling and other houses. (Sec. 4047)
(20) Throwing or shooting deadly missile into locomotive or car. (Secs. 5355, 5356)
(21) Any two or more persons abusing, whipping, or beating any person to force such person to confess to any offense, etc. (Sec. 4938)
(22) Discharging a gun on a passenger train. (Sec. 5362)
(23) Putting poison on the premises of another or on a public road or place. (Sec. 5207)
(24) Attempt to murder by means not amounting to an assault. (Sec. 3303)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering in the night or day, with intent to steal or commit a felony, any dwelling house, or building, structure, or inclosure within the curtilage of a dwelling house, though forming no part thereof; or into any shop, store, warehouse, or other building, structure, or inclosure, in which any goods, wares, etc., or other valuable thing is kept for use, sale, or deposit, provided such structure or inclosure, other than a shop, warehouse or building is especially constructed to keep such goods, etc. (Sec. 3479)
(2) Entering without breaking, or being in any premises or building the subject of burglary in this state, and committing a felony and breaking out. (Sec. 3480)

(3) Breaking into and entering a railroad car in which any valuable thing is kept, with intent to steal or commit a felony. (Sec. 3481)
(4) Wilfully and without consent, entering any dwelling house, etc., or other building or structure and cutting, breaking, tearing out or removing any plumbing, lead pipe, mantel, light or other fixture or material attached thereto, of value of $5 or more to owner before being detached, with intent to convert to own use. (Sec. 4905)
(5) All attempts, including assault with intent to commit burglary.
(6) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing burglars' tools. (Sec. 3482)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the fraudulent or wrongful taking and carrying away by any person of the personal goods of another from any place, with a felonious intent to convert them to his (the taker's) own use, and make them his own property, without the consent of the owner—as extended by statute—is the law of this state. Holly v. State (1875) 54 Ala. 238; Higgs v. State (1896) 116 Ala. 454; McQueen v. State (1914) 10 Ala. App. 244; Fox v. State (1920) 17 Ala. App. 559.
(2) Grand larceny: stealing:
Any horse, mare, gelding, etc.; or part of an outstanding crop of corn or cotton of the value of $5.00 or more.
Any personal property of value of $5.00 or more from the person of another or from a building on fire, or removed in consequence of an alarm of fire; or from any dwelling house, storehouse, railroad car, boat, etc.
Any personal property other than as above stated of value of $25 or more.
By entering lands of another and carrying away timber or rails of value of $25 or more.
By severing and carrying off any outstanding crop of peanuts, potatoes, etc., or other farm products except cotton and corn, of value of $25 or more. (Sec. 4905)
(3) Petit larceny: stealing:
Any part of an outstanding crop of cotton or corn, etc., or other farm products of value less than $5.00; or of crop other than cotton or corn, of value less than $25.
Any personal property of value less than $25 under any circumstances other than as specified in section 4905.
By entering lands of another and carrying away timber or rails, with intent to convert, of value less than $25.
A dog. (Sec. 4908)
(4) Public records, documents, etc. (Sec. 4906)
(5) Will, deed or conveyance. (Sec. 4145)
(6) Cutting loose or floating off logs of another without authority and with intent to appropriate. (Sec. 4914)
(7) Concealing, defacing marks on or carrying beyond the state, property taken up adrift. (Sec. 4916)
(8) Fish from artificial pond, lake or trap; or from pools, etc., wholly upon lands of another. (Secs. 4917, 4065)
(9) Oysters from bed of another. (Sec. 4918)
(10) Rails from a fence for fuel. (Sec. 3298)

(11) Cotton from bale by person without authority. (Sec. 3779)
(12) Gas, water, electricity. (Secs. 4294 to 4297; 5258 to 5260)
(13) Opening grave with intent to steal coffin or any part thereof or vestments or any other article interred. (Sec. 3867)
(14) Marking or branding unmarked domestic animals of another, or altering or defacing mark or brands. (Sec. 3232)
(15) Entering land of another and cutting wood or timber with intent to appropriate; cutting timber on state lands; cutting down or carrying off timber or rails of value less than $25 from land of another, with intent to convert, or severing products or attachments from the freehold of another; cutting down or injuring shade or ornamental trees or shrubs of another. (Secs. 5555, 5557, 5560, 5561)
Note: Include only cases where intent to steal appears.
(16) Cutting or boxing pine trees for turpentine, upon lands of another or of the state, without consent. (Sec. 5564)
(17) All attempts.

Omit

(1) Unauthorized use, temporary use of animal or vehicle of another without authority. (Sec. 4913)
(2) Carrying boat or vessel unlawfully from its mooring. (Sec. 3444)
(3) Embezzling or fraudulently converting, etc., any part of any motor vehicle delivered—(for hire). (Acts 1927, No. 456, p. 507, Sec. 7)
(4) Selling or disposing of floating logs or timber taken up unlawfully. (Code 1923, Vol. II, Sec. 4915)
(5) Selling or disposing of property taken up adrift. (Sec. 4916)
(6) Disposing of, or retaining without right, military property belonging to the state. (Sec. 4919)
(7) Driving animal from lawful into unlawful district to be impounded. (Sec. 4920)
(8) Entering dwelling house of another without consent, or storehouse, warehouse, etc., and cutting, breaking, removing, etc., any plumbing fixtures, lead pipe, etc., attached, of value of $5 or more to the owner before being detached. [See Burglary (4).] (Sec. 4905)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Using motor vehicle without consent of owner. (Code 1923, Vol. II, Sec. 3337)
Note: Omit only cases where no intent to steal appears.
(2) Temporary use of any vehicle of another without authority. (Sec. 4913)
(3) Embezzling or fraudulently converting, etc., any motor vehicle delivered—(for hire)—which may be the subject of larceny. (Acts 1927, No. 456, p. 507, Sec. 7)

ARIZONA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Revised Statutes of Arizona, 1913, Vol. 2, Penal Code.
Session Laws: Regular and Special Sessions, 1915, 1917, 1919; Regular Session 1921 and Special Session 1920; Special Session 1922, 1923, 1925; Regular and Special Sessions 1927; Regular Session 1929 and Special Sessions 1928.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being with malice aforethought. (Pen. Code 1913, Sec. 170)
(2) First degree: all murder perpetrated by means of poison or lying in wait, torture or by any other kind of wilful, deliberate and premeditated killing, or committed in perpetration of or attempt to perpetrate arson, rape, robbery, burglary or mayhem. (Sec. 172)
(3) Second degree: all other kinds of murder. (Sec. 172)
(4) Dueling, from which death ensues within a year and a day. (Sec. 198)
(5) Manslaughter: the unlawful killing of a human being without malice, voluntarily upon a sudden quarrel or heat of passion; involuntarily, in the commission of an unlawful act not amounting to a felony, or in commission of a lawful act which might produce death in an unlawful manner or without due caution or circumspection. (Sec. 175)
(6) Conductor, engineer, brakeman, switchman or other person having charge of railroad locomotive or train, wilfully or negligently suffering or causing collision of same whereby death of a human being is produced. (Sec. 382)
(7) Loss of life caused by running freight cars in rear of passenger cars. (Sec. 399)

2. RAPE

(1) An act of sexual intercourse accomplished with a female not the wife of the perpetrator under either of the following circumstances: (1) where the female is under 18; (2) where she is incapable through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent; (3) where she resists but her resistance is overcome by force or violence; (4) where she is prevented from resisting by threats of immediate and great bodily harm, accompanied by apparent power of execution, or by any intoxicating, narcotic or anesthetic substance, administered by or with privity of accused; (5) where she is at the time unconscious of the nature of the act, and this is known to the accused; (6) where she submits under the belief that the perpetrator is her husband, induced by artifice, pretense or concealment practiced by accused, with intent to induce such belief. (Sec. 231)
(2) Assault with intent to commit rape. (Secs. 194, 196)
(3) All attempts.

3. ROBBERY

(1) The felonious taking of personal property, in the possession of another, from his person or immediate presence and against his will, accomplished by force or fear; such fear being of an unlawful injury to the person or property of the person robbed or of any relative of his or member of his family or of immediate and unlawful injury to the person or property of anyone in his company at the time. (Secs. 189, 190)
(2) Assault with intent to commit robbery. (Secs. 194, 196)
(3) Boarding a railroad train with intent of robbing a passenger or other person, or interfering with railroad in any manner, or by explosives, setting on fire, altering signals, etc., with intention of robbing any passenger or person. (Sec. 435)
(4) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault or battery when a serious bodily injury is inflicted upon the person assaulted, or when committed with premeditated design and by use of means calculated to inflict great bodily harm. (Secs. 215, 216)
(2) Assault with intent to commit murder. (Sec. 193)
(3) Administering or causing or procuring to be administered to another any poison or other noxious substance with intent to kill. (Sec. 192)
(4) Wilfully mingling poison with food, drink or medicine with intent to injure; wilfully poisoning well, spring or reservoir of water. (Sec. 348)
(5) Unlawfully and maliciously depriving a human being of a member of his body, or disabling, disfiguring or rendering it useless, or cutting or disabling the tongue, or putting out an eye, or slitting the nose, ear or lip. (Sec. 183)
(6) Wilfully and maliciously placing or throwing any vitriol, corrosive acid or caustic chemical upon the person of another, with intent to injure the flesh or disfigure the body of such person, or causing same to be done. (Sec. 218)
(7) Committing assault upon the person of another with a deadly weapon or instrument, or by any means of force likely to produce great bodily harm. (Sec. 219)
(8) Dueling. (Sec. 199)
(9) Assault with malice aforethought by a person undergoing life sentence upon the person of another with a deadly weapon or instrument or by any means or force likely to produce great bodily injury. (Sec. 220)
(10) Assaulting another with intent to commit mayhem. (Sec. 194)
(11) Obstructing a railroad with intention of derailing or wrecking train; obstructing and derailing same; interfering with switch, light or signal except within scope of employment; wilfully or intentionally without legal excuse removing, destroying or injuring railroad property or obstructing or preventing the operation of trains or train dispatches. (Secs. 436, 437, 408, 564)
(12) Maliciously depositing explosives near building, place, etc., frequented by human beings, with intent to injure or destroy such property or any person. (Sec. 610)
(13) All attempts.

Omit

(1) Going into house of a private family and there committing an assault or battery; assault by person of robust

health or strength upon one who is decrepit; by adult male upon female or child, or by adult female upon a child; when instrument used is such as to inflict disgrace; when committed by any person or persons in disguise. (Sec. 215)

(2) Assault with intent to commit rape. [See Rape (2).] (Sec. 194)

(3) Assault with intent to commit robbery. [See Robbery (2).] (Sec. 194)

(4) Assault with intent to commit any felony except murder, penalty for which is not prescribed in section 194. [See Burglary (4).] (Secs. 195, 196)

(5) Administering chloroform, etc., or other narcotic, anesthetic or intoxicating agent to another with intent to enable or assist self or another to commit a felony. [See Rape (2), Robbery (2), Burglary (4).] (Sec. 196)

(6) Harsh, cruel or unkind treatment of or neglect toward any idiot, lunatic or insane person. (Sec. 363)

(7) Possessing acid, steel filing, etc., with intent to injure person, machinery, train, etc. (Sec. 565)

(8) Unlawful attempt coupled with present ability to commit a violent injury on the person of another. (Sec. 207)

(9) Wilful and unlawful use of force or violence upon person of another. (Sec. 209)

(10) Public officer under color of authority, without lawful necessity, assaulting or beating any person. (Sec. 136)

(11) Officer committing willful inhumanity or oppression toward any prisoner. (Sec. 134)

(12) Death from dueling. [See Felonious Homicide (4).] (Sec. 198)

(13) Sending or accepting a challenge to fight a duel, seconding, assisting, etc., in a duel, leaving state to evade dueling law, posting or publishing another for not fighting a duel, or accepting a challenge, etc.; failure of peace officer to prevent a duel, he having knowledge of it. (Secs. 199 to 203)

(14) Engineer in manufactory, railway, etc., operating boiler or other apparatus so as to burst same or cause accident endangering human life. (Sec. 349)

(15) Violation or omission of duty by railroad engineer, conductor, etc., endangering human life or safety. (Sec. 400)

(16) Blacklisting employees.
(Secs. 721 to 723, and see Laws 1915, Initiative Measure, p. 8)

(17) Compelling person not to join labor organization; to purchase goods from particular person or firm. (Secs. 710, 724)

(18) Compelling another by menace or threat to sign, refrain from signing, etc., any official petition. (Sec. 711)

5. BURGLARY—BREAKING OR ENTERING

(1) Entering any dwelling house, office, room, apartment, tenement, shop, warehouse, store, saloon, mill, barn, stable, garage, tent, vessel or railroad car with intent to commit grand or petit larceny or any felony, or entering any outhouse or other building not above enumerated, with intent to commit any felony. (Sec. 459)

(2) First degree: every burglary committed in the night time. (Sec. 460)

(3) Second degree: every burglary committed in the day time. (Sec. 460)

(4) Assault with intent to commit burglary. (Secs. 195, 196)

(5) All attempts.

(6) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Making, possessing, etc., burglars' tools. (Secs. 464, 465)

6. **LARCENY—THEFT** (except auto theft)

(1) The felonious stealing, taking, carrying, leading or driving away the personal property of another. (Sec. 481)
(2) Grand larceny:
Larceny of property of value exceeding $50.
Larceny from the person.
Larceny of a horse, mare, gelding, etc.
Larceny of a bicycle. (Sec. 484)
(3) Petit larceny:
Other cases than grand. (Sec. 485)
(4) Stealing any motor vehicle part. (Laws 1927, Ch. 51, p. 119)
(5) Dogs. (Penal Code 1913, Sec. 488)
(6) Fixture or part of the realty, severed at the time of taking. (Sec. 492)
(7) Gas, water, electricity. (Secs. 495 to 497)
(8) Judicial or public records. (Sec. 107)
(9) Cutting down, carrying away, wood or timber, earth or soil from public lands or lands of another; severing from the freehold of another anything attached thereto or the produce thereof; earth, soil, stone, ore or minerals from city lot, street or park. (Secs. 368, 611, 612)
(10) Plucking feathers or plumes from ostrich without consent of owner or possessor. (Sec. 628)
(11) Taking water from canal, ditch, flume, etc., with intent to defraud. (Sec. 536)
(12) Taking personal property from custody of an officer or any person, held under process of law. (Sec. 99)
(13) Livestock:
a. Altering or obliterating brands, false branding, with intent to convert. (Sec. 632)
b. Stealing, taking or carrying away or knowingly killing, driving, etc., away any cattle, the owner of which is known or unknown. (Sec. 633, amended Laws 1921, Ch. 16, p. 13)
c. Driving stock off range, without owner's consent:
By drover. (Sec. 637)
By any person, not having right of possession. (Civ. Code 1913, Sec. 3723)
d. Wrongfully branding unmarked cattle, etc., found running at large. (Sec. 3766)
e. Taking animal without consent of owner. (Sec. 3767)
Note: Under c, d, and e include only cases where intent to steal appears.
(14) All attempts.

Omit

(1) Finding lost property under circumstances giving knowledge or means of inquiry as to the true owner and appropriating same without reasonable efforts to find owner. (Penal Code 1913, Sec. 482)
(2) Retaining property of public library, museum, etc., for 30 days after written notice to return same. (Sec. 626)
(3) Selling cattle without seller's recorded brand, or bill of sale, etc. (Sec. 634)
(4) Embezzling or knowingly selling cattle of another, or wilfully purchasing stolen or embezzled cattle. (Sec. 633, amended Laws 1921, Ch. 16, p. 13)

7. **AUTO THEFT**

(1) Stealing, driving or carrying away, etc., any motor vehicle without permission of owner for purpose of selling or otherwise appropriating same. (Laws 1927, Ch. 51, p. 119)

(2) All attempts.

Omit

(1) Taking automobile, etc., without permission for *temporary* use. (Penal Code 1913, Sec. 498)

ARKANSAS

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Digest of the Statutes of Arkansas, 1921.
By T. D. Crawford and H. Moses.
1927 Supplement to Digest of the Statutes of Arkansas.
By John T. Castle.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being with malice aforethought, either express or implied. (Dig. 1921, Sec. 2338)
(2) First degree: all murder perpetrated by means of poison, lying in wait, or by any wilful, deliberate, malicious and premeditated killing, or committed in the perpetration of or attempt to perpetrate arson, rape, robbery, burglary or larceny. (Sec. 2343)
(3) First degree: death as result of injury by band, or two or more members or pretended members of night riders, etc., in the night time or while disguised or armed or engaged in any felonious act. (Sec. 2798)
(4) Second degree: all other murder. (Sec. 2344)
(5) Death resulting from arson. (Sec. 2346)
(6) Death by deliberately causing collision of steamboats, etc.—murder or manslaughter. (Sec. 2347)
(7) Unnecessarily killing another while resisting attempt by other to commit a felony or any unlawful act after such attempt shall have failed—murder or manslaughter. (Sec. 2348)
(8) Officer exceeding bounds of moderation in inflicting punishment, whereby death ensues—murder or manslaughter. (Sec. 2349)
(9) Dueling, resulting in death. (Sec. 2350)
(10) Manslaughter: the unlawful killing of a human being without malice, express or implied, and without deliberation. (Sec. 2354)
(11) Voluntary manslaughter: killing upon sudden heat of passion caused by a provocation apparently sufficient to make the passion irresistible. (Sec. 2355)
(12) Involuntary manslaughter: killing in the commission of an unlawful act, without malice and without the means calculated to produce death, or in the prosecution of a lawful act, done without due care and circumspection. (Sec. 2356)
(13) Killing a human being, without design to effect death, in the heat of passion, but in a cruel and unusual manner, unless under circumstances constituting excusable or justifiable homicide. (Sec. 2359)
(14) Killing of a human being in the heat of passion, by or with a dangerous weapon in any case except where excusable or justifiable. (Sec. 2360)
(15) Killing of a human being by a mischievous animal wilfully suffered to go at large by owner or kept without ordinary care. (Sec. 2361)
(16) Killing by wilfully overloading vessel operated for gain. (Sec. 2362)
(17) Killing by negligent operation of steamboat boiler, etc. (Sec. 2363)
(18) Killing by an intoxicated physician administering drugs, etc., without design to effect death. (Sec. 2364)

Omit

(1) Deliberately assisting another in the commission of suicide. (Sec. 2345)

(2) Wilful killing of an unborn quick child by injury to the mother. (Sec. 2357)
(3) Killing of an unborn quick child by administering drugs, etc., to pregnant woman. (Sec. 2358)
(4) Concealing death of issue of her body by a mother. (Sec. 2365)

2. RAPE

(1) The carnal knowledge of a female, forcibly and against her will. (Sec. 2717)
(2) Carnally knowing or abusing unlawfully any female under 16. (Sec. 2720)
(3) Administering any potion, substance or liquid with intent to commit rape, to produce stupor, etc., so as to prevent resistance. (Sec. 2722)
(4) Assault with intent to commit rape. (Sec. 2721)
(5) All attempts.

3. ROBBERY

(1) The felonious and violent taking of any goods, money or other valuable thing from the person of another by force or intimidation. (Sec. 2410)
(2) Taking by robbery any bank bill, etc., or other written paper. (Sec. 2494)
(3) Train robbery, or holding up train with intent to rob. (Sec. 8598)
(4) Assault with intent to commit larceny. (Sec. 2497)
(5) Assault with intent to rob. (Sec. 2412)
(6) All attempts.

Omit

(1) Stealing any bank bill, etc., or other valuable written paper. [See Larceny (8).] (Sec. 2494)
(2) Attempt to rob by blackmail. (Sec. 2413)

4. AGGRAVATED ASSAULT

(1) Shooting with intent to kill or wound. (Sec. 2407)
(2) Assault with intent to maim. (Sec. 2409)
(3) Feloniously, wilfully and with malice aforethought assaulting any persons with intent to murder or kill, or administering or attempting to give any poison, etc., with intent to kill. (Sec. 2335)
(4) Assault with a deadly weapon where no considerable provocation appears. (Sec. 2334)
(5) Dueling. (Sec. 2780)
(6) Unlawfully disabling a human being by depriving him of the use of a limb, or member, or rendering him lame or defective in bodily vigor. (Sec. 2402)
   a. Wilfully and with malice aforethought cutting or biting off the ear, cutting out or in any manner disabling the tongue, putting out an eye, slitting, cutting or biting off the nose or lip of another. (Sec. 2403)
   b. Or, cutting off an arm or leg, or finger or toe, of another or breaking the bone of any arm or part of the body so as to disable. (Sec. 2404)
   c. Or, shooting, stabbing, cutting or in any manner wounding or disabling any person. (Sec. 2405)
(7) Shooting, etc., at another and injuring a third person, although without evil design against third person. (Sec. 2408)
(8) Wounding an officer engaged in discharge of any official duty. (Sec. 2586)
(9) All attempts.

Omit

(1) Resisting execution of civil or criminal process by threatening or actually drawing a pistol, gun or other weapon. (Sec. 2587)
(2) An unlawful attempt, coupled with present ability to commit a violent injury upon the person of another. (Sec. 2330)
(3) Unlawfully striking or beating the person of another. (Sec. 2331)
(4) Assaulting and beating an officer in the discharge of his duty. (Sec. 2586)
(5) Discharging firearms, throwing stones, etc., at, into, or against any locomotive, car, etc. (Sec. 8597)
(6) Challenging or accepting a challenge to duel; seconding, aiding, etc. (Sec. 2781)
(7) Death by dueling. [See Felonious Homicide (9).] (Sec. 2350)
(8) Assault with intent to commit rape. [See Rape (4).] (Sec. 2721)
(9) Assault with intent to commit larceny or to rob. [See Robbery (4), (5).] (Sec. 2497, 2412)

5. BURGLARY—BREAKING OR ENTERING

(1) The unlawful entering of a house, tenement, railway car, or other building, boat, vessel, or watercraft with intent to commit a felony. (Supp. 1927, Sec. 2432a)
(2) In the night time, wilfully and maliciously and with force, breaking or entering any house, tenement, boat, vessel, etc., with intent to commit any felony. (Dig. 1921. Sec. 2434)
(3) In the night time, wilfully and with or without force breaking or entering any house, tenement, boat, etc., with intent to commit a felony and committing a felony or larceny. (Sec. 2435)
(4) All attempts, including assault with intent to commit burglary.
(5) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing, etc., burglars' tools. (Sec. 2438)

6. LARCENY—THEFT (except auto theft)

(1) The felonious stealing, taking and carrying, riding or driving away the personal property of another. (Sec. 2483)
(2) Larceny of property of value exceeding $10. (Sec. 2488)
(3) Larceny of property of value not exceeding $10. (Sec. 2488)
(4) Money or other personal property, or those means and muniments by which the right and title to property, real or personal, may be ascertained. (Sec. 2484)
(5) Bank note, bond, etc., or instrument of writing whatever, of value to the owner. (Sec. 2485)
(6) A dog upon which the license fee has been paid—grand larceny. (Sec. 2489)
(7) Livestock:
  a. Marking, stealing or killing, or wounding with intent to steal any kind of cattle, pigs, etc. (Sec. 2490)
  b. Stealing any horse, mare, gelding, etc. (Sec. 2491)
  c. Marking, branding or altering mark or brand of any animal of another, with intent to steal or convert the carcass or skin, or prevent identification by true owner. (Sec. 2508)
(8) Any bank bill, etc., or other valuable written paper. (Sec. 2494)
(9) Severing produce of value of $1.00 or more from the soil; or gate, fence or material of like value from any building or frame

and taking and carrying same away or converting with intent to steal. (Sec. 2518)

(10) Carrying away wood or timber cut and lying on lands of another; same cut from state or other lands of another, with intent to convert, of value exceeding $10; of value not exceeding $10. (Secs. 2519, 2521, 2523)

(11) Opening grave, etc., with intent to steal coffin, vestments, or other articles. (Sec. 2725)

(12) Public record, return, etc. (Sec. 2829)

(13) Gas, electricity. (Secs. 2480, 2517)

(14) All attempts.

Omit

(1) Obtaining property by false pretenses. (Sec. 2449)

(2) Obtaining property by false personation. (Sec. 2452)

(3) Appropriation by tenant or lodger of bedding, furniture, etc. (Sec. 2498)

(4) Appropriation by carrier or other bailee. (Sec. 2502)

(5) Embezzlements designated as larceny. (Secs. 2499 to 2505, etc.)

(6) Unauthorized use: riding or driving horse or mule of another without consent. (Sec. 2515)

(7) Taking by robbery, etc., any bank bill, etc., or other valuable written paper. [See Robbery (2).] (Sec. 2494)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)

(2) All attempts.

Omit

(1) Chauffeur or other person operating motor vehicle without owner's consent. (Sec. 4732)
Note: Omit only cases where no intent to steal appears.

CALIFORNIA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Deering: Penal Code of California, 1923.
Deering: General Laws of California, 1923.
Deering: Supplement to the Codes and General Laws, 1927.
Statutes of California, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being with malice aforethought. (Penal Code 1923, Sec. 187)
(2) First degree: all murder perpetrated by means of poison, or lying in wait, torture or by any other kind of wilful, deliberate and premeditated killing; or committed in perpetration of or attempt to perpetrate arson, rape, robbery, burglary, or mayhem. (Sec. 189)
(3) Second degree: all other kinds of murder. (Sec. 189)
(4) Death ensuing from fighting a duel with deadly weapons. (Sec. 226)
(5) Manslaughter: the unlawful killing of a human being, without malice.
Voluntary manslaughter: killing upon a sudden quarrel or heat of passion.
Involuntary manslaughter: killing in the commission of an unlawful act, not amounting to felony, or of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. (Sec. 192)
(6) Death from wilful, or ignorant or negligent operation of steam boiler or engine in manufactory, railroad, vessel or mechanical work. (Sec. 368)
(7) Death by wilful or negligent operation of railroad, causing collisions by employee. (Sec. 369)
(8) Death from placing freight cars in rear of passenger cars in making up train. (Sec. 392)
(9) Death from mischievous animal wilfully suffered to go at large or kept without ordinary care by owner. (Sec. 399)

Omit

(1) Procuring conviction and execution of any innocent person by wilful perjury or subornation of perjury. (Sec. 128)

2. RAPE

(1) An act of sexual intercourse with a female not the wife of the perpetrator, under either of the following circumstances: when she is under 18; or where she is incapable, through lunacy or other unsoundness of mind, temporary or permanent, of giving legal consent; or where she resists, but her resistance is overcome by force or violence; or where she is prevented from resisting by threats of great and immediate bodily harm, accompanied by apparent power of execution, or by any intoxicating narcotic, or anesthetic substance, administered by or with the privity of the accused; or where she is at the time unconscious of the nature of the act, and this is known to the accused; or where she submits under the belief that the person

committing the act is her husband, and this belief is induced by any artifice practiced by the accused, with intent to induce such belief. (Sec. 261)
(2) Carnal abuse of a female under 10. (Sec. 645)
(3) Assault with intent to commit rape. (Secs. 220, 222)
(4) All attempts.

3. ROBBERY

(1) The felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear; such fear being of an unlawful injury to the person or property of the person robbed, or of any relative or member of his family, or of an immediate and unlawful injury to the person or property of anyone in his company at the time. (Secs. 211, 212)
(2) First degree: all robbery perpetrated by torture or by a person armed with a dangerous or deadly weapon. (Sec. 211a)
(3) Second degree: all other kinds of robbery. (Sec. 211a)
(4) Boarding any railroad train, car or engine, or interfering with any railroad property, or placing explosives upon railroad track, or setting fire to bridge or trestle, interfering with signals, or stopping train, with intent to rob any passenger or other person thereon of any personal property. (Sec. 214)
(5) Assault with intent to commit robbery or grand larceny. (Secs. 220, 222)
(6) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to commit murder. (Sec. 217)
(2) Administering or causing to be administered to another, with intent to kill, any poison or other destructive substance or liquid, but by which death is not caused. (Sec. 216)
(3) Assault with a deadly weapon or by any means or force likely to produce great bodily harm. (Sec. 245)
(4) Same, by a convict. (Sec. 246)
(5) Fighting a duel with deadly weapons, where death does not ensue. (Sec. 225)
(6) Unlawfully and maliciously depriving any person of a member of his body, or disabling, disfiguring or rendering such member useless, or cutting or disabling the tongue, or putting out an eye or slitting the nose, ear or lip. (Sec. 203)
(7) Assault with intent to commit mayhem. (Sec. 220)
(8) Assault with caustic chemicals with intent to injure or disfigure. (Sec. 244)
(9) Train wrecking and attempts by unlawful interference with railroad property. (Secs. 218, 219)
(10) All attempts.

Omit

(1) Assault with intent to commit rape. [See Rape (3).] (Sec. 220)
(2) Assault with intent to commit robbery. [See Robbery (5).] (Sec. 220)
(3) Assault with intent to commit other felony, except murder. [See Burglary (5).] (Sec. 221)
(4) Administering stupefying drugs with intent to assist self or another to commit a felony. [See Rape (3), Robbery (5), Burglary (5).] (Sec. 222)
(5) Sending or accepting a challenge to fight a duel. (Sec. 226)
(6) Death from dueling. [See Felonious Homicide (4).] (Sec. 226)

(7) Unlawful attempt coupled with present ability to commit violent injury on the person of another. (Sec. 240)
(8) Assault by public officer under color of authority without lawful necessity. (Sec. 149)
(9) Wilful and unlawful use of force or violence upon person of another. (Sec. 242)

5. BURGLARY—BREAKING OR ENTERING

(1) Entering any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, railroad car, mine, or any underground portion thereof, with intent to commit grand or petit larceny or any felony. (Sec. 459)
(2) First degree: burglary of an inhabited dwelling house or building, committed in the night time; or burglary, whether in the daytime or night time, committed by a person armed with a deadly weapon, or arming himself with a deadly weapon while in commission of such burglary, or assaulting any person while in commission of such burglary. (Sec. 460)
(3) Second degree: all other kinds of burglary. (Sec. 460)
(4) Breaking and entering with intent to commit crime, by day or night, any building, inhabited or not, and opening or attempting to open any vault, safe or other secure place by means of an acetylene torch, electric arc, or explosives. (Sec. 464, amended Supp. 1927)
(5) Assault with intent to commit burglary. (Secs. 221, 222)
(6) All attempts.
(7) Note: Include under burglary any unlawful entry with intention to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing, making, etc., burglars' tools. (Sec. 466)

6. LARCENY—THEFT (except auto theft)

(1) The felonious stealing, taking, carrying, leading or driving away the personal property of another. [See **Omit** (1).] (Sec. 484, amended Supp. 1927)
(2) Grand theft:
Theft of property of value exceeding $200, or of domestic fowls, value exceeding $20.
Theft from the person.
Theft of a horse, mare, gelding, etc.
See (11), (12a) below; also Auto Theft (1).
(Sec. 487, amended Stats. 1929, Ch. 203, p. 365)
(3) Petty theft:
Other cases than grand. (Sec. 488, amended Supp. 1927)
(4) Public records. (Sec. 114)
(5) Dogs. (Sec. 494)
(6) Any fixture or part of the realty, severed at the time of taking. (Sec. 495)
(7) Gas, water or electricity. (Secs. 498, 499, 499a)
(8) Goods saved from fire. (Sec. 500)
(9) Water from canal, ditch, flume or reservoir; or from works after they have been closed. (Secs. 592, 625)
(10) Gas, electric current, goods, merchandise or other property or service, by misuse of slot-machine or other receptacle. (Supp. 1927, Sec. 640a[1])

(11) Gold dust, amalgam or quicksilver from mining claim, etc.—grand larceny. (General Laws 1923, Act 4195)

(12) Livestock:

a. Driving cattle off range, without consent of owner,—grand larceny. (General Laws 1923, Act 368, Sec. 14)

b. Changing or defacing marks or brands with intent to steal; or marking or branding animals of another. (Penal Code 1923, Secs. 357, 357½)

(13) Goods from stranded vessel, or wrecked property. [See **Omit** (8).] Defacing marks on wrecked property to prevent owner discovering identity. (Secs. 545, 355)

(14) Cutting out, altering or defacing marks on, or falsely marking logs, lumber or wood. (Sec. 356)

(15) Cutting down, carrying away, wood or timber on land of another; severing anything attached to the freehold or the produce thereof; digging, carrying away earth, soil or stone from land of another or city street or park; gathering and carrying away oysters or shellfish from lands of another; cutting or removing native tree, shrub or fern growing on state or county highway rights of way, or from land of another without written permit. (Supp. 1927, Secs. 602 [a] to [e], [g] amended Stats. 1929, Ch. 687, p. 1179; Sec. 384a, amended Stats. 1929, Ch. 163, p. 304)

(16) All attempts.

Omit

(1) Fraudulently appropriating property entrusted; or defrauding any person of money, labor or real or personal property, by fraudulent representation or pretense; or obtaining credit and thereby obtaining money or property, etc., by false report of mercantile character. (Penal Code 1923, Sec. 484, amended Supp. 1927)

(2) Finding lost property under circumstances giving knowledge or means of inquiry as to the true owner and appropriating same without reasonable effort to find owner. (Sec. 485, amended Supp. 1927)

(3) Embezzlement as larceny (theft). (Supp. 1927, Sec. 490a)

(4) Unlawful conversion of military property of the state. (Penal Code 1923, Sec. 442)

(5) Buying, receiving, etc., stolen goods. (Sec. 496)

(6) Removing, etc., mortgaged or encumbered real property or improvements thereon; mortgaged personal property. (Sec. 502½; Sec. 538, amended Supp. 1927)

(7) Receiving money or property by false personation; by false pretenses. (Penal Code 1923, Secs. 530, 532)

(8) Retaining wrecked property or proceeds after adjustment of salvage; knowingly possessing wrecked property. (Secs. 544, 545)

(9) Loosing or setting adrift raft of another. (Sec. 608)

(10) Injuring or destroying standing crops, grain, fruit or vegetables of another. (Sec. 604)

(11) Unauthorized use:

a. Livery stable keeper, etc., using or permitting use of animal or vehicle of another, without consent. (Sec. 537c)

b. Unlawful removal of automobile part, without consent, by garage manager, etc., or any person having custody. (Sec. 499c)

Note: Omit here only cases where no intent to steal appears.

7. AUTO THEFT

(1) Theft of an automobile, etc., is grand theft.
(Sec. 487, amended Supp. 1927)

(2) Driving vehicle of another, without consent, with intent *permanently* to deprive owner of his title or possession; or with intent to steal. (General Laws 1923, Act. 5128, Tit. X, Sec. 146)

(3) All attempts.

Omit

(1) Taking automobile, bicycle, motorcycle or other vehicle of another for *temporary* use, without consent.
(Penal Code 1923, Sec. 499b)

(2) Unlawful use of automobile, without consent, by garage manager, etc., or any person having custody. (Sec. 499c)

(3) Driving vehicle of another, without consent, with intent *temporarily* to deprive owner of his possession, without intent to steal. (General Laws 1923, Act 5128, Tit. X, Sec. 146)

COLORADO

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Compiled Laws of Colorado, 1921.
Session Laws of Colorado, Extra Session 1922, 1923, 1925, 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being with malice aforethought, either express or implied, effected by any of the various means by which death may be occasioned. (Comp. Laws 1921, Sec. 6663)

(2) First degree: murder perpetrated by poison, lying in wait, torture, or any kind of wilful, deliberate and premeditated killing; or committed in perpetration of or attempt to perpetrate any arson, rape, robbery, mayhem or burglary, or from a deliberate and premeditated design unlawfully and maliciously to effect the death of any human being other than he who is killed, or by any act greatly dangerous to the lives of others and indicating a depraved mind, regardless of human life. (Sec. 6665)

(3) First degree: death caused in violating anarchy and sedition act, or by inciting another thereto. (Sec. 6660)

(4) First degree: death caused by entering or attempting to enter mining claim by force. (Sec. 3309)

(5) Second degree: all other kinds of murder. (Sec. 6665)

(6) Death from malicious obstruction of, interference with or injury to railroad. (Sec. 6990)

(7) Involuntary killing in the commission of an unlawful act naturally tending to destroy life, or committed in the prosecution of a felonious intent. (Sec. 6669)

(8) Death from dueling. (Sec. 6684)

(9) Manslaughter: the unlawful killing of a human being without malice, express or implied, and without any mixture of deliberation whatever.
Voluntary manslaughter: killing upon a sudden heat of passion, caused by provocation apparently sufficient to make the passion irresistible.
Involuntary manslaughter: killing in the commission of an unlawful act, or a lawful act, without due caution and circumspection. (Sec. 6666; see also Secs. 6667, 6668, 6669)

(10) Death from unlawful transportation of explosives. (Sec. 5508)

(11) Death from wilful negligence and failure to comply with regulations for theaters, schools and other public buildings. (Sec. 5472)

(12) Death of woman from administering noxious drug, etc., with intent to procure her miscarriage, except under medical advice with intent to save her life. (Sec. 6687)

(13) Causing death of another in operating any motor vehicle in a reckless manner while under the influence of intoxicating liquor or drug. (Laws 1923, Ch. 95, Sec. 1, p. 256)

Omit

(1) Concealing death of bastard. (Comp. Laws 1921, Sec. 6682)

(2) Procuring conviction and execution of any innocent person by perjury or subornation of perjury. (Sec. 6778)

2. RAPE

(1) All cases of rape herein defined as rape in the first degree are deemed carnal knowledge of a female person forcibly and against her will. (Sec. 6690)

(2) First degree: an act of sexual intercourse accomplished with, by or between a male and a female person, where such female is not the wife of the perpetrator, under any of the following circumstances: where the female person is unmarried and is under, and the male person is over, the age of 18 years; where the female, of whatever age, is incapable, through lunacy or other unsoundness of mind, temporary or permanent, of giving legal consent; or she resists, but her resistance is overcome by force or violence; or she is prevented from resisting by threats of immediate and great bodily harm, accompanied by apparent power of execution, or by any intoxicating, narcotic or anesthetic substance administered by or with the privity of the accused without her knowledge or consent; or where at the time of the act, whether committed by fraud or otherwise, she is unconscious of the nature of the act and this is known to the accused; or where she is in a state of stupefaction and nonresistance as a result of administration of chloroform or other anesthetic substance, narcotic or drug, though administered for a lawful purpose, and though the wrongful intent to have such intercourse be formed subsequent to such lawful administration of chloroform, etc., and while she is unable to remonstrate or resist the commission of such offense. (Sec. 6689)

(3) Second degree: where both the male and female person are over 18, if she is prevented from resisting or consenting by or on account of any intoxicating or narcotic substance administered by or with the privity of the accused, and with her consent; or by the male person of whatever age where the female person is over 18 and submits under the belief that the perpetrator is her husband, such belief being induced by artifice practiced by the accused with intent to induce it. (Sec. 6689)

(4) Third degree: where both are under 18, and it is not rape in the first or second degree. (Sec. 6689)

(5) Assault with intent to commit rape. (Sec. 6698)

(6) Stopping, assaulting or attacking train with intent to commit rape. (Secs. 6991, 6992)

(7) All attempts.

Omit

(1) Where the male person is under 18, and such sexual intercourse is had at the solicitation, inducement or connivance of the female person, of whatever age; or where such female person was at the time of commission of such offense a free, common, public or clandestine prostitute, and he was of good moral character. (Sec. 6689)

(2) Assaulting any child under 16 and taking indecent liberties. (Sec. 6696)

3. ROBBERY

(1) The felonious and violent taking of money, goods or other valuable thing from the person of another by force or intimidation. (Sec. 6718)

(2) Robbery while armed with a dangerous weapon, or having present a confederate aiding or abetting and so armed, with intent on the part of either, if resisted, to kill, maim or wound

the person robbed or any other person; or wounding or striking the person robbed or another with a dangerous weapon, in perpetrating such robbery. (Sec. 6718)

(3) Wilfully boarding any passenger, freight or other train with intention of robbing same. (Sec. 6989)

(4) Wilfully and maliciously assaulting, attacking or stopping any railroad train with intent to commit robbery or larceny of any employee, agent or person. (Secs. 6991, 6992)

(5) Assault with intent to rob. (Sec. 6698)

(6) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to commit murder or mayhem or with a deadly weapon with intent to commit a bodily injury upon another. (Sec. 6698)

(2) Assault or attack on train with intent to commit murder. (Secs. 6991, 6992)

(3) Poisoning with intent to kill. (Sec. 6687)

(4) Dueling. (Sec. 6684)

(5) Unlawfully depriving a human being of a member of his or her body, or disfiguring or rendering it useless, unlawfully cutting out or disabling the tongue, putting out an eye, slitting the nose, ear or lip, or disabling any limb or member of another or voluntarily and of purpose putting out an eye or eyes. (Sec. 6688)

(6) All attempts.

Omit

(1) Assault on child under 16 by any person over 14 and taking or attempting to take indecent liberties with such child. (Sec. 6696)

(2) Coercion of prisoners to compel confession. (Sec. 6787)

(3) Assaulting or beating an officer serving process or assaulting or beating of any person by an officer under color of authority. (Sec. 6793)

(4) Giving or accepting a challenge to duel; carrying a challenge or aiding a duel; publishing abuse for refusing to duel. (Secs. 6685, 6686, 6829)

(5) Death from dueling. [See Felonious Homicide (8).] (Sec. 6684)

(6) Hazing. (Secs. 6701, 6703)

(7) Unlawful attempt coupled with a present ability to commit a violent injury on the person of another. (Sec. 6697)

(8) Unlawful beating of another. (Sec. 6699)

(9) Assault with intent to commit rape. [See Rape (5).] (Sec. 6698)

(10) Assault with intent to commit robbery. [See Robbery (5).] (Sec. 6698)

(11) Assaulting, attacking or stopping train with intent to commit robbery. [See Robbery (4).] (Sec. 6991)

(12) Assaulting, attacking or stopping train with intent to commit other felony. [See Rape (6), Burglary (4).] (Secs. 6991, 6992)

(13) Inflicting bodily injury upon another in operating motor vehicle in a reckless manner while under the influence of of intoxicating liquor or drugs. (Laws 1923, p. 256, Ch. 95, Sec. 2)

(14) Causing death thereby. [See Felonious Homicide (13).] (Sec. 1)

5. BURGLARY—BREAKING OR ENTERING

(1) Wilfully, maliciously and forcibly breaking and entering, or without force, entering any dwelling house, whether then occupied or not, kitchen, office, shop, storehouse, warehouse, malt-

house, stilling-house, banking-house, hotel, saloon, restaurant, mill, pottery, factory, water craft, railroad car, church or meeting-house, or school-house, with intent to commit murder, robbery, rape, mayhem, larceny, or other felony, or being lawfully within any room or apartment of any of such buildings and with like intent, either with or without force, entering any other room or apartment of the same building. [See **Omit** (2).] (Comp. Laws 1921, Sec. 6716)

(2) Breaking and entering any building, with intent to commit any crime, by the use of explosives. (Sec. 6717)

(3) Unlawfully breaking into or entering in the day or night any building where military property of the state or of the United States is kept. (Sec. 225)

Note: Include here only cases where felonious intent appears.

(4) Stopping, assaulting or attacking train with intent to commit burglary. (Secs. 6991, 6992)

(5) All attempts, including assault with intent to commit burglary.

(6) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing burglars' tools. (Sec. 6917)

(2) Wilfully, etc., breaking and entering, or without force, entering any dwelling house, kitchen, office, etc., with intent to commit a misdemeanor. (Sec. 6716)

6. LARCENY—THEFT (except auto theft)

(1) The felonious stealing, taking and carrying, leading, riding or driving away the personal goods or chattels of another; of money or other personal property or those means or muniments by which the right and title to property, real or personal, may be ascertained; any bond, bill, etc., or any instrument of writing of value to the owner. (Sec. 6719)

(2) Larceny of property of value exceeding $20.00. (Sec. 6719)

(3) Larceny of property of value not exceeding $20.00. (Sec. 6738)

(4) Larceny from the person. (Sec. 6719)

(5) Ore from any mine, lode, etc.—grand larceny. (Secs. 6722, 3557)

(6) Ore, mineral, etc., from sampler, smelter or reduction works—grand larceny. (Sec. 6724)

(7) Fowl at night from messuage or premises containing dwelling-house of another—grand larceny, regardless of value. (Sec. 6725)

(8) Fixtures, viz., lead-pipe, faucet, etc., from any house or building. (Sec. 6726)

(9) Anything attached to the realty. (Sec. 6727)

(10) Certificate of title for land, or duplicate of same—grand larceny. (Sec. 5016)

(11) Cutting or breaking gate, flume, etc., with intent to steal water; interfering with headgates, etc., and using water. (Secs. 1929, 1931)

(12) Gas, water, electricity. (Secs. 6747 to 6763)

(13) Cutting or removing timber from state lands; grain, fruit, vegetables, etc., from garden or orchard; specimens from cave or cavern; timber from any mining shaft. (Secs. 6979, 6987, 6988, 7006)

(14) Trees on mining claim or mill site of another. (Sec. 3310)

(15) Livestock:

a. Stealing, or unlawfully killing, driving, etc., away any neat cattle, horse, etc., whether owner is known or unknown—grand larceny, regardless of value. (Sec. 6728)

b. Wrongfully branding or defacing brands. (Secs. 3134, 3136)
c. Altering marks or brands, with intent to steal or prevent identification, where value is $20.00 or more, under $20.00 or under $5.00. (Sec. 3135)
d. Marking or branding mavericks, or any other animal not lawfully in possession. (Secs. 3137, 3138)
e. Drover failing to separate stock mixed with drove. (Sec. 3139)
f. Driving stock of another from range. (Secs. 3141, 3142)
Note: Under e. and f. include only cases where intent to steal appears.
g. Skinning carcass of dead cattle or sheep. Exception: animals killed by railroad companies, by railroad employees. (Sec. 3148)
Note: Above offenses deemed grand larceny, regardless of value, except where otherwise provided. (Sec. 3150)

(16) Stealing automobile parts of value less than $20; of value of $20 or more. (Sec. 1369)
(17) Obtaining property or service by fraudulent operation of automatic slot-machine or other coin receptacle. (Laws 1929, p. 303, Ch. 82, Sec. 1)
(18) All attempts.

Omit

(1) Removing property to which lien has attached without written consent of lien claimant. (Laws 1929, p. 439, Ch. 123, Sec. 8)
(2) Sale, transfer, etc., of mortgaged personal property by mortgagor without written consent of mortgagee. (Comp. Laws 1921, Secs. 6719, 5097, 5098)
(3) Larceny by bailee, by finding or otherwise, of money, goods or chattels, by conversion to own use. (Sec. 6732)
(4) Larceny by lodger taking bedding, etc. (Sec. 6733)
(5) Concealing estrays or lost goods, altering mark or brand, carrying same beyond county. (Sec. 3241)
(6) Selling stock without own brand and without bill of sale, etc., from owner. (Sec. 3274)
(7) Breaking into or entering in the day or night season any building where military property of the state or of the United States is kept. [See Burglary (3).] (Sec. 225)
(8) Embezzling, or unlawfully selling or purchasing unlawfully obtained cattle, horses, etc. (Sec. 6728)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Taking or driving away another's automobile for *temporary* use. (Sec. 1366)
(2) Taking, using, operating or removing an automobile or motor vehicle from a garage, etc., or other building or place and operating same for own profit, use or pleasure. (Sec. 6729)
Note: Omit only cases where no intent to steal appears.

CONNECTICUT

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
General Statutes of Connecticut, Revision 1918.
Connecticut Public Acts, Special Session 1918, 1919, Special Session 1920, 1921, 1923, 1925, 1927, 1929 Regular and Special Sessions.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: all murder perpetrated by means of poison or lying in wait, or by any other kind of wilful, deliberate and premeditated killing, or committed in perpetrating or attempting to perpetrate any arson, rape, robbery, or burglary or by means of any explosive compound. (Gen'l Stats. 1918, Vol. 2, Sec. 6187)

(2) First degree: causing death of another by wilfully placing an obstruction upon any railroad, or by loosening, taking up or removing any part of the superstructure. (Sec. 6188)

(3) Second degree: all other kinds of murder. (Sec. 6187)

Note: The common law definition, viz., that murder is the unlawful killing of a human being with malice aforethought, either express or implied, is the law of this state. Smith v. State (1882) 50 Conn. 193.

(4) Manslaughter: penalty clause. (Sec. 6190, amended Public Acts 1921, Ch. 100)

Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, is the law of this state. State v. Scheele (1889) 57 Conn. 307.

(5) Death resulting from the wilful misconduct or negligence or intoxication of any servant of any railroad or electric railway company, or of any operator of a motor vehicle. (Sec. 6191)

2. RAPE

(1) Not defined by statute. The common law definition, viz., that rape is the carnal knowledge of a woman forcibly and against her will or without her consent, is the law of this state. State v. Shields (1877), 45 Conn. 256; State v. Worden (1878), 46 Conn. 349; State v. Gaul (1883), 50 Conn. 578.

(2) Rape upon any female of the age of 16 years or more, or carnally knowing and abusing any female under the age of 16 years. (Sec. 6392, amended Pub. Acts 1923, Ch. 47)

(3) Carnal knowledge of any female under the age of 45 who is an imbecile or feebleminded. (Sec. 6430)

(4) Assault, with actual violence, upon the body of any female, with intent to commit rape. (Sec. 6393)

(5) Assault upon the body of any female under the age of 16, with intent to carnally know and abuse said female. (Sec. 6394)

(6) All attempts.

Omit

(1) Indecent assault. (Sec. 6196)

(2) Carnal knowledge of any female under the age of 45 who is an epileptic or a pauper. (Sec. 6430)

3. ROBBERY

(1) Penalty clause. (Sec. 6197)
Note: Robbery is not defined by statute. In such case the common law definition of the offense applies. See 12 C. J. 196; State v. Danforth (1819), 3 Conn. 112; Card v. Grinman (1823), 5 Conn. 164; Baldwin v. Walker (1851), 21 Conn. 168; Graham v. Walker (1905), 78 Conn. 130.
Robbery, by the common law, is larceny from the person, accompanied by violence or putting in fear. Bouvier's Law Dictionary, N. Y., 1928.
(2) Assault with actual violence, with intent to rob. (Sec. 6199)
(3) Binding, handcuffing, gagging, or threatening personal injury to a person, or administering any stupefying drug or other substance, with intent to commit robbery. (Sec. 6198)
(4) Robbery with personal abuse, force or violence or by being so armed as clearly to indicate violent intent. (Sec. 6194)
(5) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to commit murder. (Sec. 6193)
(2) Poisoning with intent to murder. (Sec. 6193)
(3) Assault by throwing vitriol, carbolic acid, etc., with intent to disfigure, etc. (Sec. 6195)
(4) Putting out an eye, slitting the nose, ear, lip, head, face or neck or cutting or biting off or disabling any member of another. (Sec. 6194, amended Pub. Acts 1923, Ch. 46)
(5) With malice aforethought and by lying in wait, cutting out or disabling the tongue of another or putting out an eye or eyes so the person is made blind or cutting off all or any of the privy members of another. (Sec. 6189)
(6) Aggravated assault by assaulting another with any deadly weapon. (Sec. 6344)
(7) Obstruction of railroads. (Sec. 6228)
(8) Wilfully causing or attempting to cause any injury to a person by the use of any explosive compound. (Sec. 6229)
(9) Wilful displacement of switches upon any railroad or the destruction of any signal thereon. (Sec. 6230)
(10) All attempts.

Omit

(1) Injury resulting from misconduct, negligence or intoxication of railroad employee or any operator of a motor vehicle. (Sec. 6191)
(2) Assault upon any officer of a jail by a convict in escaping or attempting to escape. (Sec. 6326)
(3) Assault with intent to commit rape. [See Rape (4), (5).] (Secs. 6393, 6394)
(4) Assault with intent to commit robbery. [See Robbery (2), (3), (4).] (Secs. 6199, 6198, 6194)
(5) Assault with intent to commit any crime punishable by imprisonment in the state prison. [See Burglary (11).] (Sec. 6198)
(6) Challenging to duel, accepting, sending, etc. (Sec. 6335)
(7) Throwing, shooting, etc., at railroad cars. (Sec. 6192)
(8) Indecent assault upon another person. (Sec. 6196)
(9) Attempt to procure miscarriage. (Sec. 6200)
(10) Abortion. (Sec. 6201)
(11) Encouraging the commission of abortion. (Sec. 6202)

(12) Cruelty to people and to children under 16.
(Sec. 6205; Pub. Acts 1921, Ch. 81, p. 3094)

(13) Manufacture, transportation, possession of explosive material intended to be used for the injury of person or property. (Gen'l Stats. 1918, Vol. 2, Sec. 6229)

(14) Endangering the life of another by wilfully burning any building or vessel. (Sec. 6189)

5. BURGLARY—BREAKING OR ENTERING

(1) Penalty clause. (Sec. 6235)

Note: Burglary is not defined by statute. The common law definition, viz., that burglary is the breaking and entering the house of another in the night season with an intent to commit a felony—as extended by statute—is the law of the state. Rex v. Hanson (1798), 1 Root 59; State v. Carrier (1811), 5 Day 131; State v. Moore (1863), 31 Conn. 479; State v. Ward (1876), 43 Conn. 489; Lewis v. State (1843), 16 Conn. 32.

(2) Burglary in perpetration of which use was made of personal abuse, force or violence, threat or intimidation, or being so armed as clearly to indicate violent intentions. (Sec. 6236)

(3) Attempts to violate sections 6235 and 6236. (Sec. 6237)

(4) Breaking and entering in the day time with intent to commit any crime therein, any building or vessel in the possession of another used as a dwelling; or with like intent breaking and entering any building in the possession of another, any person therein being put in fear or dread. (Sec. 6240)

(5) Breaking and entering in the night time with intent to commit any crime therein, any building or vessel in the possession of another used as a place for the custody of property, or any building used as a place of instruction or of public worship. (Sec. 6241)

(6) Same, in the day time. (Sec. 6242)

(7) Burglary, in violation of sections 6240, 6241, and 6242, plus the use of any personal abuse, force or violence, threat or intimidation toward any person. (Sec. 6243)

(8) Breaking and entering in the day time or night time with intent to commit any crime therein, any building and opening or attempting to open any vault, safe or other secure place in such building by the use of explosives. (Sec. 6244)

(9) Attempts to violate sections 6241 or 6242. (Sec. 6245)

(10) Breaking and entering any railroad car at any time with intent to commit a crime therein. (Sec. 6247)

(11) Assault with intent to commit burglary. (Sec. 6198)

(12) All attempts.

(13) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession, manufacture, etc., of burglars' tools.
(Secs. 6238, 6239, 6243)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. Theft as at common law is the wrongful taking of the property of another with intent to deprive the owner of his property and convert it to the use of the taker. State v. Cummings (1866), 33 Conn. 260; State v. Hanley (1898), 70 Conn. 265; State v. Main (1902), 75 Conn. 55; State v. Kaplan (1900), 72 Conn. 635.

(2) Stealing money, goods, chattels, bank notes, etc., of value over $2,000; of value over $50 to $2,000. (Sec. 6255)
(3) Same, of value over $15 to $50; of value less than $15, goods offered for sale; of value less than $15, other goods. (Sec. 6255)
(4) Stealing from the person of another. (Sec. 6254)
(5) Horse or mule. (Sec. 6252)
(6) Cattle, sheep or swine. (Sec. 6253)
(7) Passage tickets. (Sec. 6256)
(8) A bicycle, of value exceeding $25. (Sec. 6257)
(9) Poultry. (Sec. 6260)
(10) Fish from pound, weir or nets at night. (Sec. 6261)
(11) Fish or lobsters from trap, net, trawl, sieve, or pot, without owner's consent. (Sec. 6262)
(12) Electric current, water and gas. (Secs. 6294 to 6296)
(13) Public record or document. (Sec. 6320)
(14) Stone from the common shore below high-water mark, or from adjacent beach or bar. (Sec. 6423)
(15) Cutting, carrying away or injuring produce of land of another, in time of war; trespassing on another's land and gathering nuts, fruits, berries, old metals or junk, or taking away any fern, crops, fruit or vegetable production, or mountain laurel or any evergreen tree or foliage, or fruit from cranberry meadows; or entering orchards, etc., with intent to take or destroy fruit; or cutting, destroying or carrying away trees or timber 4 in. in diameter or more, or hoop-poles standing on land of another. (Secs. 6264, 6265, 6274, 6275, 6279, 6280, 6289)
(16) Enticing bees from premises of another. (Sec. 6281)
(17) All attempts.

Omit

(1) Unauthorized use:
a. Taking and using horse, boat or bicycle of another without permission. (Sec. 6284)
b. Using or permitting use of any vehicle in larceny of any vegetable, fruit or other agricultural product. (Pub. Acts 1921, Ch. 189, p. 3169)
(2) Wilfully and maliciously removing waste packing or bearing from journal box of locomotive engine, etc. (Gen'l Stats. 1918, Vol. 2, Sec. 6286)
(3) Receiving, etc., stolen goods. (Sec. 6259)

7. AUTO THEFT

(1) Stealing a motor vehicle. (Sec. 6258, amended Pub. Acts 1921, Ch. 194, p. 3173)
(2) All attempts.

Omit

(1) Operating or using any motor vehicle without permission of owner. (Pub. Acts 1921, Ch. 400, Sec. 28, p. 3438, amended Pub. Acts 1927, Ch. 196, p. 4271)
(2) Using or permitting use of any vehicle in larceny of any vegetable, fruit, or other agricultural product. (Pub. Acts 1921, Ch. 189, p. 3169)
(3) Operating or using any aircraft without permission of owner. (Pub. Acts 1929, Ch. 253, Sec. 29, p. 4703)

DELAWARE

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Revised Code, 1915.
Laws of Delaware, 1915 to 1929, Vols. 28 to 36.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: committing murder with express malice aforethought or in perpetrating or attempting to perpetrate any crime punishable with death. (Rev. Code 1915, Sec. 4697)

(2) Second degree: committing murder otherwise than as set forth in Sec. 4697. (Sec. 4698)

Note: The common law definition, viz., that murder is the unlawful killing of a human being with malice aforethought, express or implied by law, is the law of this state. State v. Jones (1857), 1 Crim. C. 21; State v. Buchanan (1859) 1 Crim. C. 79; State v. Till (1867) 1 Crim. C. 233.

(3) Wilfully and maliciously wounding or poisoning another, who dies within a year thereafter. (Sec. 4699)

(4) Wilfully and feloniously showing false lights or using other device to cause a vessel to be wrecked, whereby death of some person is caused. (Sec. 3682)

(5) Manslaughter: penalty clause. (Sec. 4701, amended 30 Del. Laws, Ch. 232)

Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, express or implied, either voluntarily, in a sudden heat of blood upon sufficient provocation, or involuntarily, while engaged in the commission of a merely unlawful act, or of a lawful act in a careless or wanton manner, is the law of this state. State v. Dugan (1879) 1 Crim. C. 563; State v. Brown (1878) 1 Crim. C. 539; State v. Till (1867) 1 Crim. C. 233; State v. List (1873) 1 Crim. C. 133; State v. Jones (1857) 1 Crim. C. 21.

(6) Killing by a husband of a person found in the act of adultery with his wife. (Sec. 4701, amended 30 Del. Laws, Ch. 232)

(7) Intentionally pointing a gun, pistol or other firearm in jest or otherwise, at or toward any person at any time or place, where death results from the discharge of same, when not amounting to murder. (Sec. 4802)

2. RAPE

(1) Committing the crime of rape—penalty clause. (Sec. 4706)

Note: Not defined by statute. Rape is the carnal knowledge of a woman against her will, or of a female child, with or against her will. State v. Handy (1845) 4 Harr. 566.

(2) Carnally knowing and abusing a female child under 7 years. (Sec. 4706)

(3) Assault, with violence, with intent to commit a rape. (Sec. 4707)

(4) All attempts.

3. ROBBERY

(1) Feloniously taking from the person of another by violence or putting in fear, any money or other property or thing which may be the subject of larceny.
(Sec. 4716, amended 32 Del. Laws, Ch. 216, p. 660)
(2) Highway robbery, or robbery in a dwelling house.
(Sec. 4716 as amended)
(3) Robbery in any other place. (Sec. 4716 as amended)
(4) Attempt to commit robbery, or assaulting with violence with intent to commit robbery.
(Sec. 4717, amended 32 Del. Laws, Ch. 216, p. 660)

4. AGGRAVATED ASSAULT

(1) Assaulting another with violence with intent to commit murder. (Sec. 4702)
(2) Wilfully and maliciously administering to another or causing another to take any deadly poison or noxious and destructive substance, with intent to commit murder, or attempting the same. (Sec. 4703)
(3) Dueling. (Sec. 4718)
(4) Maliciously and by lying in wait, depriving any person of one of the genital members or cutting out or disabling the tongue or putting out an eye or biting off the nose, lip or ear of another or maiming any person. (Sec. 4704)
(5) Maliciously, without lying in wait, maiming another. (Ses. 4705)
(6) Obstructing a railroad track so as to render it unsafe. (Secs. 3500, 3501)
(7) All attempts.

Omit

(1) Challenging, delivering a challenge, being aid or second in a duel, or encouraging or abetting a duel. (Sec. 4718)
(2) Assault and battery. (Sec. 4720)
(3) Assaulting, striking or beating one's wife. (Sec. 4712)
(4) Pointing a gun in jest or otherwise. (Sec. 4802)
(5) Assault with intent to commit rape. [See Rape (3).] (Sec. 4707)
(6) Assault with intent to commit robbery. [See Robbery (4).] (Sec. 4717, amended 32 Del. Laws, Ch. 216, p. 660)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering in the night time the dwelling house of another with intent to commit murder, rape or arson of the first degree, whether such intent be executed or not. (Sec. 4727)
(2) Breaking and entering in the night time with intent to commit burglary, a building in which there is a human being and committing burglary by use of nitro-glycerine, etc., or any other high explosive. (Sec. 4728)
(3) Same, in a building in which there is no human being. (Sec. 4729)
(4) Breaking and entering a dwelling house of another in the night time, with intent to commit any felony other than murder, rape, or arson of the first degree, whether such intent be executed or not. (Sec. 4730)
(5) Breaking and entering in the night any house or office where public records are kept with intent to purloin, alter, deface, etc., any record, whether such intent be executed or not. (Sec. 4731)
(6) Breaking and entering in the day time the dwelling of another with intent to commit any crime deemed by law a felony; or

entering by day or night the dwelling house of another, without breaking, with intent to commit any felony; or being in the dwelling of another and committing any felony and in the night breaking said house to get out, or breaking and entering in the night time any warehouse, store, office, shop or outhouse of another, wherein goods, money or other thing, the subject of larceny are kept or deposited, with intent to commit larceny, whether in either case the intent be executed or not. (Sec. 4732)

(7) Breaking and entering a railroad car, caboose or locomotive or wilfully or maliciously with or without breaking, entering same with intent to commit any felony therein. (Sec. 3502)

(8) Picking or breaking any lock and feloniously stealing any money, goods or writing, etc., secured by same. (Sec. 4736)

(9) All attempts, including assault with intent to commit burglary.

(10) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Unlawfully and wilfully breaking and entering the dwelling house of another or breaking and entering any store, warehouse, shop, office or other building of another, where goods, etc., are kept or deposited, or breaking and entering in the night time any house or office wherein public records are kept or unlawfully entering in the night the dwelling of another. (Sec. 4733)
Note: No intent charged.

6. LARCENY—THEFT (except auto theft)

(1) Feloniously stealing, taking and carrying away goods, chattels or effects, money, bank note or bill, etc., or other instrument for payment or receiving of money. (Sec. 4740)

(2) Any dog. (Sec. 4735)

(3) Horse, mare, gelding, etc. (Sec. 4736)

(4) Unlawfully detaching and carrying away:
Materials from fence of another without consent; Indian corn, attached to the freehold; grain, fruits, vegetables, plants, trees, etc., attached to the soil. (Secs. 4742 to 4746)
Branch or limb from holly, cedar or other evergreen growing on lands of another. (Sec. 4748)

(5) Oysters: from Delaware Bay or River without a license: from bed or plantation of another, etc. (Sec. 2421; Sec. 2424, amended 34 Del. Laws, Ch. 186; Sec. 2473. See also Sec. 2479, amended 33 Del. Laws, Ch. 191, and Sec. 2482)

(6) Electric current, illuminating gas. (Secs. 4763, 4764)

(7) Goods or property of wrecked vessels. (Sec. 3681)

(8) All attempts.

Omit

(1) Picking or breaking any lock and stealing or taking away any money, etc., under or secured by same. [See Burglary (8).] (Sec. 4736)

(2) Unauthorized taking, use, etc., of animal or property the subject of larceny, where the evidence is not sufficient to convict of larceny. (Sec. 4739)

(3) Obtaining property by false pretenses.
(Sec. 4737, amended 34 Del. Laws, Ch. 236, p. 543)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Driving motor vehicle of another, without consent of owner, and with intent temporarily to deprive owner of possession, without intent to steal.
(36 Del. Laws, Ch. 10, Sec. 28, p. 93)

DISTRICT OF COLUMBIA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Code of Law of the District of Columbia to June 7, 1924.
Acts of Congress affecting the District of Columbia:
68th Congress, 1st session, vol. 28, 1923-1924.
68th Congress, 2nd session, vol. 29, 1924-1925.
69th Congress, 1st session, vol. 30, 1925-1926.
69th Congress, 2nd session, vol. 31, 1926-1927.
70th Congress, 1st session, vol. 32, 1927-1928.
70th Congress, 2nd session, vol. 33, 1928-1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: being of sound memory and discretion and killing another purposely, and either of deliberate and premeditated malice or by means of poison, or in perpetration of or attempt to perpetrate any offense punishable by imprisonment in the penitentiary. (Code 1924, Sec. 798)
(2) First degree: death occasioned by malicious obstruction of or injury to railroad or street railroad. (Sec. 799)
(3) Second degree: killing another with malice aforethought, except as provided under first degree. (Sec. 800)
(4) Manslaughter: penalty clause. (Sec. 802)
Note: Not defined by statute. Manslaughter is the unlawful killing of one human being by another, without malice, express or implied, either voluntarily, in a sudden heat of passion, or involuntarily, in the commission of an unlawful act. See: Jackson v. U. S. (1919) 48 App. D. C. 272; Ainsworth v. U. S. (1893) 1 App. D. C. 518; U. S. v. Geare (1923) 54 App. D. C. 30.
(5) Death of woman resulting from administering drug, etc., with intent to procure miscarriage, unless when necessary to preserve life and under lawful advice of a physician. (Sec. 809)

Omit

(1) Death of child in procuring miscarriage of mother. (Sec. 809)

2. RAPE

(1) Having carnal knowledge of a female forcibly and against her will, or carnally knowing and abusing a female child under 16. (Sec. 808)
(2) Assault with intent to commit rape. (Sec. 803)
(3) All attempts.

3. ROBBERY

(1) Taking from the person or immediate actual possession of another anything of value, by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear. (Sec. 810)
Note: Include cases of taking by seizure or snatching only if accompanied by violence.
(2) Attempting to commit robbery by an overt act. (Sec. 811)
(3) Assault with intent to commit robbery. (Sec. 803)

Omit

(1) Unlawfully disturbing or removing dead body from a grave for dissection, sale, etc. (Sec. 891)

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill or by poisoning food, drink, or medicine with intent to kill. (Sec. 803)
(2) Assault with intent to commit mayhem, or assault with a dangerous weapon. (Secs. 804, 807)
(3) Obstructing tracks of steam or street railway with intent to endanger the passage of a locomotive or car. (Sec. 846)
(4) Placing explosives near buildings with intent to destroy or injure. (Sec. 825a)
(5) All attempts.

Omit

(1) Unlawfully assaulting another in a menacing manner—or threatening. (Sec. 806)
(2) Procuring miscarriage. (Sec. 809)
(3) Challenging to duel; assaulting for refusal to duel; leaving District of Columbia either to challenge to duel or to assault for refusal. (Secs. 852, 853, 854)
(4) Assault with intent to commit rape. [See Rape (2).] (Sec. 803)
(5) Assault with intent to commit robbery. [See Robbery (3).] (Sec. 803)
(6) Assault with intent to commit any offense which is punishable by penitentiary imprisonment. [See Burglary (2).] (Sec. 805)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering or entering without breaking, either in the night or day time, any dwelling, bank, store, warehouse, shop, stable, or other building, or any apartment or room, whether occupied or not, or boat, vessel or railroad car, or any yard where lumber, coal or other goods and chattels are deposited for purpose of trade, with intent to break and carry away any part thereof or fixture or thing attached to same, or to commit any criminal offense. (Sec. 823)
(2) Assault with intent to commit burglary. (Sec. 805)
(3) All attempts.
(4) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Unlawfully entering or remaining in a private dwelling. (Sec. 824)
Note: No intent charged.
(2) Entering wilfully and without color of right any dwelling house or other building of another, and cutting, breaking, or tearing gas, water or other fixtures; or in such house wilfully and without color of right breaking or tearing down any wall or door with intent to cut, break, etc., any pipe or fixture. (Sec. 825)

6. LARCENY—THEFT (except auto theft)

(1) Grand larceny: feloniously taking and carrying away anything amounting to $35.00 or over in value, including things savoring of the realty. (Sec. 826)

(2) Petit larceny: same, amounting to less than $35.00. (Sec. 827)
(3) Electricity. (Sec. 826a)
(4) Any will, writing or public records. (Secs. 830, 840, 844)
(5) Property of the District of Columbia. (Sec. 831)
(6) Books, pamphlets, engravings, etc., of the Library of Congress or any public library in the District of Columbia, or of the United States. (Sec. 849)
(7) Cutting down or destroying vine, shrub, or tree on land of another or severing from same any product standing or growing thereon or things attached thereto, of value of $35.00 or more; of value less than $35.00. (Sec. 847)
(8) All attempts.

Omit

(1) Conversion of property, assets, etc., to own use. (Sec. 830a)
(2) Conversion of anything of value, when entrusted with it for purpose of applying to use of owner, to own use. (Sec. 851b)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Taking, using, and operating without consent of owner any automobile or motor vehicle of another for own profit, use or purpose. (Sec. 826b)
Note: Omit only cases where no intent to steal appears.

FLORIDA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
The Compiled General Laws of Florida, 1927.
Laws, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: the unlawful killing of a human being, when perpetrated from a premeditated design to effect the death of the person killed or any human being, or when committed in the perpetration of or attempt to perpetrate any arson, rape, robbery or burglary. (Comp. Gen'l Laws 1927, Vol. IV, Sec. 7137)
(2) First degree: killing in a duel with deadly weapons. (Sec. 7138)
(3) First degree: killing by wilfully obstructing or injuring railroad. (Sec. 7139)
(4) Second degree: the unlawful killing of a human being when perpetrated by an act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual. (Sec. 7137)
(5) Third degree: same, when perpetrated without any design to effect death, by a person engaged in the commission of any felony other than arson, rape, robbery or burglary. (Sec. 7137)
(6) Manslaughter: the killing of a human being by the act, procurement, or culpable negligence of another where such killing shall not be justifiable or excusable homicide or murder. (Sec. 7141)
(7) Killing of a pregnant woman in abortion by drugs, instruments, etc., unless necessary to save her life or advised by 2 physicians to be so necessary. (Sec. 7144)
(8) Unnecessarily killing another either while resisting an attempt by such other to commit any felony or to do any other unlawful act, or after such attempt shall have failed. (Sec. 7145)
(9) Killing by a mischievous animal wilfully suffered to go at large by owner, etc. (Sec. 7146)
(10) Killing or drowning resulting from the wilful overloading of a vessel run for gain. (Sec. 7147)
(11) Killing resulting from negligent or ignorant operation of a boiler on a passenger vessel. (Sec. 7148)
(12) Killing by an intoxicated physician administering drugs, etc., but without design to effect death. (Sec. 7149)
(13) Death resulting from driving a motor vehicle while intoxicated. (Sec. 7749)

Omit

(1) Death within the state from duel fought without by previous appointment made within. (Sec. 7118)
(2) Wilful killing of an unborn quick child by injury to mother, etc. (Sec. 7143)
(3) Death of child in unlawfully procuring abortion. (Sec. 7144)
(4) Deliberately assisting another in self murder. (Sec. 7142)

2. RAPE

(1) Ravishing and carnally knowing a female of the age of ten or more, by force and against her will, or unlawfully, or carnally knowing and abusing a female child under ten. (Sec. 7153)
(2) Unlawful carnal intercourse with an unmarried person under 18 of previous chaste character. (Sec. 7552)
(3) Carnal intercourse with an unmarried female, with or without her consent, and who is at the time an idiot, lunatic, or an imbecile. (Sec. 7553)
(4) Assault with intent to rape. (Sec. 7165)
(5) All attempts.

Omit

(1) Printing or publishing the name of any female raped, etc. (Sec. 7155)

3. ROBBERY

(1) Assaulting another and feloniously robbing, stealing and taking from his person or custody, money or other property which may be the subject of larceny, being armed with a dangerous weapon with intent, if resisted, to kill or maim the person robbed, or being so armed and wounding or striking the person robbed. (Sec. 7157, amended by Laws 1929, Ch. 13793, p. 541)
(2) By force, violence or assault or by putting in fear, feloniously robbing, stealing and taking from the person of another money or other property which may be the subject of larceny, such robber not being armed with a dangerous weapon. (Sec. 7158)
(3) Entering farm, garden, orchard or fruit grove at night, being armed or assaulting any person. [See Larceny (17).] (Laws 1929, Ch. 14501, p. 986)
(4) Assault with intent to rob. (Comp. Gen'l Laws 1927, Vol. IV, Sec. 7165)
(5) All attempts.

4. AGGRAVATED ASSAULT

(1) Mingling poison with food, drink, or medicine with intent to kill, or wilfully poisoning any spring, well, etc., with like intent. (Sec. 7675)
(2) Assaulting another with a deadly weapon, not having a premeditated design to effect death. (Sec. 7163)
(3) Dueling. (Sec. 7180)
(4) With malicious intent to maim or disfigure, cutting out or maiming the tongue, putting out or destroying an eye, cutting or tearing off an ear, cutting, slitting or mutilating the nose or lip, or cutting off or disabling a limb or member of any person. (Sec. 7152)
(5) Assaulting another with intent to commit any felony punishable by death or life imprisonment. (Sec. 7165)
Note: Include hereunder cases of assault with intent to kill.
(6) Wounding an officer in execution of a search warrant. (Sec. 7534)
(7) All attempts.

Omit

(1) Seconding a duel; challenging or delivering or accepting a challenge to duel or being present as second, surgeon, etc.; posting or publishing another for not fighting a duel, etc. (Secs. 7119, 7180, 7181, 7182)
(2) Killing in a duel. [See Felonious Homicide (2), Felonious Homicide **Omit** (1).] (Secs. 7138, 7118)

(3) Resisting an officer in execution of legal process, etc. (Secs. 7524, 7525)
(4) Shooting at or into any dwelling, railroad car, locomotive, steamboat, etc. (Sec. 7746)
(5) Assault and battery. (Sec. 7162)
(6) Injury by culpable negligence. (Sec. 7164)
(7) Coercion of prisoners. (Sec. 7168)
(8) Assaulting county convicts. (Sec. 7533)
(9) Assaulting or beating an officer in executing a search warrant. (Sec. 7534)
(10) Assaulting, etc., State Veterinarian or State Livestock Sanitary Board. (Sec. 7738)
(11) Assault with intent to commit other felony. [See Rape (4), Robbery (4), Burglary (5)).] (Sec. 7165)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering a dwelling house or building or structure within the curtilage of same though not forming a part thereof, with intent to commit a felony; or after having entered with such intent, breaking such dwelling house, etc., if armed with a weapon, having explosives, or arming self, or taking possession of explosives, within such building or making an assault upon anyone lawfully therein; same, if not armed nor arming self nor having, nor taking, possession of explosives nor making any assault. (Sec. 7216)
(2) Breaking and entering any other building or any ship or vessel with intent to commit a felony or having entered with such intent, breaking such building, ship, or vessel or breaking such building with the use of any high explosive or entering with same, or having entered taking same into possession. (Sec. 7217)
(3) Entering without breaking any dwelling house or any structures mentioned above or into any ship or vessel with intent to commit a felony or entering with any explosive or taking same in possession within. (Sec. 7218)
(4) Breaking and entering any railroad car with intent to commit a felony or having entered with such intent, breaking such car or breaking such car with explosives or entering with explosives or entering and taking same into possession within. (Sec. 7219)
(5) Assault with intent to commit burglary. (Sec. 7165)
(6) All attempts.
(7) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Breaking and entering or entering without breaking any dwelling or storehouse, or building, ship, vessel, or railroad car with intent to commit a misdemeanor. (Sec. 7220)
(2) Making, mending, possessing, etc., burglars' tools, etc. (Sec. 7221)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. Larceny is defined to be the felonious stealing, taking and carrying away of the personal property of another. Mizell v. State (1896) 38 Fla. 20; Long v. State (1902) 44 Fla. 134: Jarvis v. State (1917) 73 Fla. 652.

(2) Grand larceny: stealing the property of another, viz., any money, goods or chattels, bank notes, etc., deed, or writ, process or public record, of value of $50.00 or more. (Sec. 7223)
(3) Petit larceny: same, of value less than $50.00. (Sec. 7224)
(4) Property in a burning building, or removed in consequence of an alarm of fire. (Sec. 7225)
(5) Any will or other testamentary instrument. (Sec. 7226)
(6) Any record, etc. (Sec. 7492)
(7) Bank note paper, with intent to utter or pass same as true, with or without alteration, and thereby to injure or defraud. (Sec. 7227)
(8) Logs, lumber, etc.
a. Appropriating, etc., lumber found adrift, outside of ports for which a public custodian is appointed. (Sec. 7229)
b. Stealing logs or timber of another, less than $100.00 in value. (Sec. 7230)
c. Picking up lost lumber adrift in port. (Sec. 7353)
d. Altering or defacing mark or brand, or marking unbranded logs or timber, with intent to claim same or prevent identification by owner. (Sec. 7862)
(9) Planted oysters in waters of the state. (Sec. 7231)
(10) Any beast or bird, ordinarily kept in a state of confinement, and not the subject of larceny at common law. (Sec. 7232)
(11) Any dog of another. (Sec. 7242)
(12) Livestock:
a. Any horse, mule, cow, etc., sheep, goat or lamb. (Secs. 7234, 7236)
b. Any hog or hogs, of less value than $20.00. (Sec. 7237)
c. Penning and milking cattle of another without consent. (Sec. 7349)
d. Driving cattle of another without permission 10 miles or further, or from their range, etc. (Secs. 7350, 7355)
e. Altering or defacing brand, or fraudulently marking any unbranded animal of another, without consent, with intent to claim same or prevent identification by the true owner. (Secs. 7277, 7278, 7279)
(13) Wrecked or derelict goods. (Secs. 7252, 7253)
(14) Gas, water, electricity. (Secs. 7400, 7427, 7428)
(15) Trespassing and carrying away:
a. Timber on state lands. (Secs. 7392, 7393)
b. Pine timber for extracting turpentine; turpentine so extracted. (Sec. 7392)
c. Timber or wood, stone, ore, gravel, etc., or anything which is parcel of the realty, vegetables, fruit or other natural products from lands of another or state institutions. (Secs. 7384 to 7387, 7389, 7429, 7430)
(16) Obtaining merchandise, property or service by fraudulent operation of slot machine, coin receptacle, etc. (Sec. 7313)
(17) Entering any farm, garden, orchard or fruit grove at night with intent to commit any larceny, not being armed nor assaulting any person. [See Robbery (3).] (Laws 1929, Ch. 14501, p. 986.)
(18) All attempts.

Omit

(1) Employee entrusted with bank-note paper illegally retaining possession with intent to pass same as true. (Sec. 7228)
(2) *Temporarily* taking and using boat, vehicle or animal of another without authority, without intent to steal, etc.; driving or penning cattle or domestic animals on ranges of the state, to obtain some personal benefit, etc. (Secs. 7348, 7356)

7. AUTO THEFT

(1) Larceny of automobile and other vehicles propelled by electricity, gasoline or kerosene. (Sec. 7243)
(2) All attempts.

Omit

(1) *Temporarily* taking and using vehicle of another, without intent to steal. (Sec. 7348)

GEORGIA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Park's Annotated Code of Georgia, 1914:
Vol. VI, Penal Code.
Vol. XI, Supplement 1922.
Vol. XIII, Supplement 1926.
Vol. XIV, Supplement 1928.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being, in the peace of the state, by a person of sound memory and discretion, with malice aforethought, either express or implied. (Code 1914, Vol. VI, Sec. 60)
(2) Death from duel with a deadly weapon. (Sec. 356)
(3) Death from wrecking or attempting to wreck a railroad train. (Secs. 513, 514)
(4) Death from wilful and malicious destruction or obstruction of, interference with, or injury to railroads or railroad property. (Secs. 522, 523)
(5) Death from wilful and malicious destruction of, injury to, or attempt to destroy or injure any dwelling house, storehouse, barn, depot, or other house or place of business or lodging of any person or being, by the use of explosives. (Sec. 784)
(6) Death from stabbing, unless in self-defense or under justifiable circumstances, may be murder or manslaughter. (Sec. 114)
(7) Involuntary killing, in commission of an unlawful act which in its consequences naturally tends to destroy the life of a human being, or committed in the prosecution of a riotous intent, or of a crime punishable by death or confinement in the penitentiary. (Sec. 67)
(8) Manslaughter: the unlawful killing of a human creature, without malice, express or implied, and without any mixture of deliberation whatever. (Sec. 64)
(9) Voluntary manslaughter: killing upon a sudden heat of passion. (Secs. 64, 65)
(10) Involuntary manslaughter: killing in the commission of an unlawful act, or a lawful act without due caution and circumspection. (Secs. 64, 67)
(11) Death of woman from administering of drugs, etc., with intent to procure an abortion, unless necessary to save her life or under advice of physicians. (Sec. 81)

Omit

(1) Death of child in procuring abortion. (Sec. 81)

2. RAPE

(1) The carnal knowledge of a female, forcibly and against her will. (Sec. 93)
(2) Having sexual or carnal intercourse with any female child under 14, unless previously married to her. (Supp. 1922, Vol. XI, Sec. 94a)
(3) Assault with intent to commit rape. (Code 1914, Vol. VI, Sec. 98)
(4) All attempts.

3. ROBBERY

(1) The wrongful, fraudulent or violent taking of money, goods or chattels from the person of another by force or intimidation, without the consent of the owner. (Sec. 148)
(2) Assault with intent to rob, by unlawfully and maliciously assaulting another with any offensive or dangerous weapon or instrument or demanding any money, goods, or chattels from another, by menaces or in a forcible or violent manner, with intent to commit robbery upon such person. (Sec. 99)
(3) All attempts.

Omit

(1) Sudden snatching, taking or carrying away any money, goods or chattels or anything of value, from the owner or person in possession or control, without consent. [See Larceny (2).] (Sec. 148)
Note: Omit only if unaccompanied by violence.

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder. (Sec. 97)
(2) Stabbing with intent to murder. (Sec. 114)
(3) Shooting at another except in own defense or under circumstances of justification. (Sec. 115)
(4) Dueling. (Sec. 356)
(5) Poisoning wells, etc. (Sec. 775)
(6) Unlawfully depriving a person of a member or disfiguring or rendering it useless: (Sec. 83)
a. Cutting out or disabling the tongue. (Sec. 85)
b. Putting out an eye. (Sec. 86)
c. Putting out both eyes or an only eye. (Sec. 87)
d. Slitting or biting the nose. (Sec. 88)
e. Cutting or biting off the nose, ear, or lip. (Sec. 89)
f. Castration. (Sec. 90)
g. Wounding private parts in less degree. (Sec. 91)
(7) Cutting or biting off or disabling any limb or member of another, not before designated, with the intention, voluntarily or maliciously as before expressed, while fighting or otherwise. (Sec. 92)
(8) Train wrecking and attempts. (Sec. 513)
(9) Obstructing, etc., railroads. (Sec. 522)
(10) All attempts.

Omit

(1) Procuring abortion, etc. (Sec. 81)
(2) An attempt to commit a violent injury on the person of another. (Sec. 95)
(3) Punishing convicts without authority. (Sec. 105)
(4) Criminal negligence of railroad employee. (Sec. 117)
(5) Assault with intent to injure clothes of another. (Sec. 101)
(6) Unlawful punishment of another. (Sec. 102)
(7) Wife beating. (Sec. 104)
(8) Assault by an officer under color of authority. (Sec. 288)
(9) Assaulting or beating an officer in the discharge of his duty. (Sec. 311)
(10) Obstructing, interfering, etc., with sheriff, constable, etc., in carrying out and executing sentence of the court. (Sec. 312)
(11) Throwing rocks or shooting into cars. (Sec. 512)
(12) Shooting on excursion trains or at picnics. (Sec. 515)

(13) Using explosive oils on passenger cars prohibited. (Sec. 516)
(14) Challenging to duel, accepting challenge, etc.; seconding a duel, posting or publishing for refusal to duel. (Secs. 354, 355, 358)
(15) Death by dueling. [See Felonious Homicide (2).] (Sec. 356)
(16) Assault with intent to) commit rape. [See Rape (3).] (Sec. 98)
(17) Assault with intent to commit robbery. [See Robbery (2).] (Sec. 99)
(18) Destruction of buoys, beacons, etc. (Sec. 744)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering into the dwelling, mansion, or storehouse, or other place of business of another, where valuable goods, wares, produce, or any other article of value are contained or stored, with intent to commit a felony or larceny. All outhouses contiguous to or within the curtilage or protection of the mansion or dwelling house shall be considered as parts of the same. A hired room or apartment in a public tavern, inn or boarding house shall be considered as the dwelling house of a person hiring same. (Sec. 146)
(2) Breaking or entering any house with intent to steal, or after breaking or entering same, stealing therefrom anything of value. (Sec. 175)
(3) Entering a dwelling house, store, shop or warehouse, or any other house or building, with intent to steal, but being prevented by detection. (Sec. 177)
(4) Breaking a dwelling house, store, shop or warehouse, or any other house or building, with intent to steal, but being prevented by detection. (Sec. 178)
(5) Breaking and entering any house or building other than a dwelling house and its appurtenances with intent to steal but being prevented by detection; breaking and entering and stealing therefrom anything of value. (Sec. 179)
(6) Breaking and entering any railroad car with intent to steal anything of value, or after breaking, stealing therefrom. (Sec. 181)
(7) Entering and stealing from any hut, railroad car, tent, booth or temporary building. (Sec. 182)
(8) All attempts, including assault with intent to commit burglary.
(9) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing, making, etc., burglars' tools. (Sec. 183[a])

6. LARCENY—THEFT (except auto theft)

(1) The wrongful and fraudulent taking and carrying away, by any person, of the personal goods of another, with intent to steal the same. (Sec. 152)
(2) Sudden snatching, taking or carrying away any money, goods, chattels or anything of value from the owner or person in possession or control, without consent and without intimidation or open force or violence, though some small force be used. [See Robbery (1).] (Sec. 148)
Note: Include here only cases unaccompanied by violence.
(3) All simple larcenies of personal goods of another not mentioned or particularly designated in this code. (Sec. 171)

(4) Larceny from the person, where value is $50 or more; where value is under $50. (Secs. 172, 173)
(5) Privately stealing money or any other thing in any dwelling house, store or other building, of value under $50; of value of $50 or more. (Sec. 176)
(6) Horse, cattle, or hog. (Secs. 153, 156, 159)
(7) All other domestic animals and dogs. (Sec. 161)
(8) Altering brands on animals with intent to appropriate. (Sec. 162)
(9) Skinning dead cattle without consent. (Sec. 223)
(10) Deeds or papers with intent to mutilate, etc. (Sec. 163)
(11) Bonds, notes, of value of $50 or over; of value under $50. (Sec. 164)
(12) Things savoring of the realty, or any fixture. (Sec. 166)
(13) From wrecked vessels, where value is $50 or over; where value is under $50. (Sec. 170)
(14) Baled cotton. (Sec. 183)
(15) Oysters or shells. (Supp. 1926, Vol. XIII, Pen. C., Sec. 183¾)
(16) Certificate of title to registered land. (Supp. 1922, Vol. XI, Sec. 702(a))
(17) Public documents. (Code 1914, Vol. VI, Sec. 284)
(18) Digging or mining phosphate rock from bed or bank of navigable streams, when the property of the state. (Sec. 201)
(19) Mining and carrying away gold, etc., from land of another, with intent to appropriate; erecting or using machinery for such purpose. (Secs. 212, 213)
(20) Taking fish within 100 yards of artificial shell reef, beds, or fishing grounds. (Sec. 601)
(21) Oysters from any private bed. (Sec. 617)
(22) Electric current. (Sec. 783)
(23) Cutting or felling wood, timber, ornamental or shade tree, chestnut tree or flowering shrub on land of another without consent; or taking and carrying away any article or property of any value from same; cutting down trees in any town, yard, etc., or severing any produce from the land of another; cutting or removing timber or tan bark from unenclosed land; taking fence wood for fuel. (Supp. 1926, Vol. XIII, Pen. C., Secs. 216 [1], [2]; Code 1914, Vol. VI, Secs. 764, 768, 226, 749)
(24) All attempts.

Omit

(1) Larceny from the house: breaking or entering any house with the intent to steal, or after breaking or entering, stealing therefrom anything of value. [See Burglary (2).] (Code 1914, Vol. VI, Sec. 175)
(2) Entering or breaking a house or any building with intent to steal, but being prevented by detection. [See Burglary (3), (4).] (Secs. 177, 178)
(3) Breaking and entering and stealing from any house or building, other than a dwelling house or its appurtenances, or breaking and entering with intent to steal but being prevented by detection. [See Burglary (5).] (Sec. 179)
(4) Breaking and entering any railroad car with intent to steal, or after breaking and entering, stealing therefrom. [See Burglary (6).] (Sec. 181)
(5) Entering and stealing from any hut, railroad car, tent, booth or temporary building. [See Burglary (7).] (Sec. 182)
(6) Disposing of drifted timber. (Sec. 224)
(7) Retaining an estray. (Sec. 585)
(8) Using horse or mule without consent. (Sec. 222)
(9) Selling arms, etc., belonging to the state. (Sec. 200)

7. AUTO THEFT

(1) Larceny of automobile, etc., and like vehicles propelled by electricity or gasoline. (Supp. 1922, Vol. XI, Sec. 183½)
(2) All attempts.

Omit

(1) Taking, using or operating any motor vehicle or motor cycle upon the public streets and highways without permission of owner. (Supp. 1928, Vol. XIV, Pol. C., Sec. 828[uu-32])
Note: Omit only cases where no intent to steal appears.

IDAHO

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
The Compiled Statutes of Idaho, 1919.
Session Laws of Idaho: Extra 1920, Emergency 1921, 1921, 1923, 1925, 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being with malice aforethought. (Comp. Stats. 1919, Vol. 2, Sec. 8209)
(2) First degree: murder perpetrated by means of poison or lying in wait, torture, or by any other kind of wilful, deliberate and premeditated killing, or committed in perpetration of or attempt to perpetrate arson, rape, robbery, burglary or mayhem. (Sec. 8211)
(3) Second degree: all other kinds of murder. (Sec. 8211)
(4) Wrecking a train or car by removal of journal bearings or brasses, etc., whereby the life of any person is lost. (Sec. 8514)
(5) Obstructing or interfering with railroad or street car track, thereby causing the death of any person. (Sec. 8525)
(6) Death by dueling. (Sec. 8240)
(7) Manslaughter: the unlawful killing of a human being without malice.
Voluntary manslaughter: killing upon a sudden quarrel or heat of passion.
Involuntary manslaughter: killing in perpetration of or attempt to perpetrate any unlawful act other than arson, rape, robbery, burglary or mayhem, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution or circumspection.
(Sec. 8214, amended Session Laws 1921, Ch. 155, p. 347)
(8) Killing another by the discharge of a firearm pointed intentionally but without malice. (Sec. 8237)
(9) Death caused by the wilful, negligent, or ignorant operation of a steam boiler. (Sec. 8337)
(10) Death caused by collision resulting from wilful or negligent operation of a railroad, car, locomotive or train. (Sec. 8338)
(11) Loss of life due to running freight cars in rear of passenger cars in making up a train. (Sec. 8350)
(12) Death caused by a vicious animal suffered to run at large by the owner. (Sec. 8358)

2. RAPE

(1) An act of sexual intercourse with a female not the wife of the perpetrator, where the female is under 18, or where she is incapable of giving legal consent through lunacy or other unsoundness of mind, whether temporary or permanent, or where she resists but her resistance is overcome by force or violence or where resistance is prevented by threats of immediate and great bodily harm, accompanied by apparent power of execution, or by any intoxicating narcotic, or anesthetic substance administered by or with privity of accused, or where she is at the time unconscious of the nature of the act and this is known to the accused, or where she submits under the

belief that the perpetrator is her husband, such belief being induced by artifice, pretense or concealment by accused with intent to induce such belief. (Sec. 8262)

(2) Assault with intent to commit rape. (Secs. 8231, 8233)

(3) All attempts.

3. ROBBERY

(1) The felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear; such fear being of unlawful injury to the person or property of the person robbed or any relative of his or a member of his family; or of immediate and unlawful injury to the person or property of anyone in the company of the person robbed at the time of the robbery. (Secs. 8226, 8227)

(2) Assault with intent to rob. (Secs. 8231, 8233)

(3) Robbing, or assaulting with intent to rob, any person having custody of bank money, security, funds or other property; or wounding such person or jeopardizing his life by use of a dangerous weapon. (Session Laws 1925, Ch. 133, p. 190, Sec. 107)

(4) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder. (Comp. Stats. 1919, Vol. 2, Sec. 8229)

(2) Assault with intent to kill by administering or causing to be administered any poison, etc. (Sec. 8229)

(3) Assault with intent to commit mayhem. (Sec. 8231)

(4) Assault with a deadly weapon or means or force likely to produce bodily injury. (Sec. 8252)

(5) Assault with corrosive or caustic chemicals with intent to injure the flesh or disfigure the body. (Sec. 8251)

(6) Dueling. (Sec. 8239)

(7) Mingling poison with food, drink, medicine or poisoning springs, wells, etc., with intent that same shall be taken by any human being to his injury. (Sec. 8326)

(8) Unlawfully and maliciously depriving a human being of a member of his body or disabling, disfiguring or rendering it useless, or cutting out or disabling the tongue, or putting out an eye, or slitting the nose, ear or lip. (Sec. 8222)

(9) Maiming or injuring any person by the discharge of a firearm intentionally pointed but without malice. (Sec. 8237)

(10) All attempts.

Omit

(1) Unlawful attempt coupled with a present ability to commit a violent injury on the person of another (Sec. 8247)

(2) Unlawful use of force or violence on the person of another. (Sec. 8249)

(3) Pointing or aiming any firearm intentionally, without malice, at or toward any other person. (Sec. 8235)

(4) Discharging any firearm without injury to any person. (Sec. 8236)

(5) Assault by public officer under color of authority. (Sec. 8184)

(6) Oppression toward prisoner by officer. (Sec. 8182)

(7) Unkind treatment of idiot, etc. (Sec. 8327)

(8) Carrying deadly weapon with intent to assault. (Sec. 8406)

(9) Sending or accepting a challenge to duel; posting or publishing another for refusal to duel, etc.; peace officer failing to prevent a duel. (Secs. 8241, 8242, 8243)

(10) Death by dueling. [See Felonious Homicide (6).] (Sec. 8240)
(11) Assault with intent to commit rape. [See Rape (2).] (Sec. 8231)
(12) Assault with intent to commit robbery. [See Robbery (2).] (Sec. 8231)
(13) Assault with intent to commit any felony except murder the punishment for which assault is not defined by section 8231. [See Burglary (6).] (Sec. 8232)
(14) Administering narcotic, etc., to enable or assist self or another to commit a felony. [See Rape (2), Robbery (2), Burglary (6).] (Sec. 8233)
(15) Assaulting and beating another with a cowhide, stick or whip, possessing at the time a pistol or other deadly weapon. (Sec. 8234)

5. BURGLARY—BREAKING OR ENTERING

(1) Entering any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse, or other building, tent vessel, or railroad car, with intent to commit grand or petit larceny or any felony. (Sec. 8400)
(2) First degree: every burglary committed in the night time. (Sec. 8401)
(3) Second degree: every burglary committed in the daytime. (Sec. 8401)
(4) Breaking and entering by day or night, with intent to commit crime, any building whether inhabited or not, and opening or attempting to open any vault, safe, or other secure place by use of explosives. (Sec. 8404)
(5) Breaking into and entering or entering any bank in the day or night with intent to commit a felony therein. (Session Laws 1925, Ch. 133, p. 190, Sec. 109)
(6) Assault with intent to commit burglary. (Comp. Stats. 1919, Vol. 2, Secs. 8232, 8233)
(7) All attempts.
(8) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession, manufacture, etc., of burglars' tools, etc. (Sec. 8405)

6. LARCENY—THEFT (except auto theft)

(1) The felonious stealing, taking, carrying, leading or driving away the personal property of another. (Sec. 8426)
(2) Grand larceny:
Larceny of property of value exceeding $60.
Larceny from the person of another.
Larceny of a horse, mare, gelding, etc. (Sec. 8429)
(3) Petit larceny:
Other cases than grand. (Sec. 8430)
(4) Dogs. (Sec. 8433)
(5) Any fixture or part of the realty severed at the time of taking. (Sec. 8437)
(6) Wood or timber from state public lands; same, from lands of another; earth, soil or stone from city lot, street or park; anything attached to the freehold of another or the produce thereof. (Secs. 8389, 8390, 8558)
(7) Logs, timber, etc.:
a. Taking, removing or otherwise injuring or destroying logs, timber, ties, etc., on river or land adjoining, without authority and with intent to deprive owner thereof. (Sec. 8441)

b. Cutting out or defacing marks; marking, re-marking, or falsely marking to prevent owner discovering identity. (Sec. 8442)
c. Cutting, sawing, manufacturing or in any manner appropriating any prize log or timber. (Sec. 8442)

(8) Water, electricity, gas. (Secs. 8440, 8447; Sec. 8528, amended Session Laws 1929, Ch. 89, p. 143, Sec. 1; Session Laws 1921, Ch. 208, p. 418)

(9) Domestic fowl from premises of another—grand larceny, regardless of value. (Session Laws 1927, Ch. 132, p. 175, Sec. 1)

(10) Public records. (Comp. Stats. 1919, Vol. 2, Sec. 8156)

(11) Personal property held by an officer or any person under process of law. (Sec. 8147)

(12) Livestock:
a. Changing or disfiguring any brand with running branding iron, etc.—grand larceny. (Sec. 8329)
b. Marking, branding, or altering or defacing mark or brand of any horse, mare, etc., of another with intent to steal same or prevent identification by true owner. (Sec. 8328)
c. Mutilating brands; counterfeiting brands. (Sec. 8334; also Vol. 1, Sec. 1931)
d. Slaughtering any head of cattle more than half a mile from a house or corral then in actual use. (Vol. 2, Sec. 8330)
e. Removing hide from neat cattle or sheep found dead, by another than the owner, his servant or agent. (Sec. 8331)
f. Slaughtering unbranded cattle. (Sec. 8332)

(13) Stealing journal bearings or brasses, or parts or attachments of or used in operating any locomotive, etc., of any railway or transportation company in the state. (Sec. 8514)

(14) With intent to steal or without authority of owner unlawfully removing any part from any vehicle, or anything attached thereto or contained therein. (Session Laws 1921, Ch. 114, p. 290, Sec. 2)
Note: Include here only cases where an intent to steal appears.

(15) All attempts.

Omit

(1) Finding lost property under circumstances giving knowledge or means of inquiry as to true owner and appropriating same without reasonable effort to find owner. (Comp. Stats. 1919, Vol. 2, Sec. 8427)

(2) Removing or interfering with journal bearings or brasses, or parts or attachments of or used in operating any locomotive, etc., of any railway or transportation company in this state. [See (13) above.] (Sec. 8514)

(3) Maliciously injuring, removing, etc., any part of any railroad property. (Sec. 8513)

(4) Maliciously injuring or destroying standing crops, fruits or vegetables of another, where punishment is not otherwise prescribed. (Sec. 8559)

(5) Removal, sale, concealment, etc., of mortgaged property by mortgagor, without consent. (Secs. 8479, 6386)

(6) Attorney or collector refusing for space of 20 days to pay over money or property received on any debt, etc., due another. (Sec. 8191)

(7) Using or keeping in possession any running branding iron, etc., for running a brand on livestock—grand larceny. (Sec. 8329)

(8) Stealing services of bull by taking from open range without owner's consent and confining in enclosure. (Sec. 8336)

(9) Unlawfully disposing of any state arms, equipment, clothing, or military stores. (Sec. 8388)

(10) Without authority of owner unlawfully removing any part from any vehicle, or anything attached thereto or contained therein. (Sessions Laws 1921, Ch. 114, p. 290, Sec. 2)
Note: Omit only cases where no intent to steal appears.

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) *Temporarily* depriving owner of motor vehicle of possession, without intent to steal.
(Session Laws 1927, Ch. 244, p. 374, Sec. 29)

ILLINOIS

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Cahill: Revised Statutes of the State of Illinois (1929).

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being, in the peace of the people, with malice aforethought; the unlawful killing may be perpetrated by poisoning, striking, starving, drowning, stabbing, shooting, or by any other of the various forms or means by which human nature may be overcome and death thereby occasioned. (Rev. Stats. 1929, Ch. 38, Par. 337 [Sec. 140])
(2) Killing another involuntarily in the commission of an unlawful act which in its consequences naturally tends to destroy the life of a human being, or committed in the prosecution of a felonious intent. (Par. 342 [Sec. 145])
(3) Death resulting from wilful and malicious displacement, removal, or obstruction of a railroad switch or track, or bridge over a navigable river. (Par. 411 [Sec. 186])
(4) Death from felonious or malicious stealing, interference with or removal of journal brasses or bearings or fixtures or attachments from railroad trains, causing wreck. (Par. 504)
(5) Manslaughter: the unlawful killing of a human being without malice, express or implied, and without any mixture of deliberation whatever; it must be voluntary, upon a sudden heat of passion, caused by a provocation apparently sufficient to make the passion irresistible or involuntary in the commission of an unlawful act, or a lawful act without due caution or circumspection. (Par. 340 [Sec. 143])
(See also Par. 341, Sec. 144 and Par. 342 [Sec. 145])
(6) Death of person engaged in dispersing an unlawful assembly. (Par. 524 [Sec. 255])
(7) Death resulting from sale of wood alcohol for beverage purposes. (Par. 352 [1])
(8) Causing explosion in any powder magazine, mill, manufactory, munitions plant, etc., whereby any death results. (Par. 214)

Omit

(1) Procuring conviction and execution of an innocent person by wilful perjury or subornation of perjury. (Par. 483 [Sec. 226])
(2) Death within the state from duel fought outside the state by previous appointment made within. (Par. 176 [Sec. 68])

2. RAPE

(1) Carnal knowledge of a female forcibly and against her will; carnal knowledge by a male person of the age of 17 years and upwards of any female person under the age of 16 and not his wife, either with or without her consent. (Par. 505 [Sec. 237])
(2) Assault with intent to commit rape. (Par. 35 [Sec. 23])
(3) All attempts.

3. ROBBERY

(1) The felonious and violent taking of money, goods, or other valuable thing, from the person of another by force or intimidation. (Par. 515 [Sec. 246])

(2) Robbery armed, or robbery with a confederate present, armed. (Par. 515 [Sec. 246])
(3) Assault with intent to commit robbery. (Par. 35 [Sec. 23])
(4) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to commit murder or mayhem. (Par. 35 [Sec. 23])
(2) Attempting to commit murder by poisoning, drowning, strangulation, suffocation, etc. (Par. 36 [Sec. 24])
(3) Attempting to cause death by poison. (Par. 488 [Sec. 230])
(4) Assault with a deadly weapon. (Par. 37 [Sec. 25])
(5) Assault by a hooded or masked person with a deadly weapon with intent to inflict bodily injury where the circumstances show an abandoned and malignant heart. (Par. 34[2] [Sec. 25b])
(6) Cutting or maiming the tongue, eye, ear, nose, lip, limb or other member with malicious intent to maim or disfigure. (Par. 435 [Sec. 207])
(7) Bombing a dwelling resulting in injury to a person. (Par. 57)
(8) Fighting a duel with any deadly weapon, although no death ensues. (Par. 173 [Sec. 65])
(9) All attempts.

Omit

(1) An unlawful attempt coupled with a present ability to commit a violent injury on the person of another. (Par. 32 [Sec. 20])
(2) Unlawful beating of another. (Par. 33 [Sec. 21])
(3) Assault by a hooded or masked person in a public place. (Par. 34[3] [Sec. 56c])
(4) Assault with intent to commit rape. [See Rape (2).] (Par. 35 [Sec. 23])
(5) Assault with intent to commit robbery. [See Robbery (3).] (Par. 35 [Sec. 23])
(6) Assault with intent to commit other felony. [See Burglary (4).] (Par. 35 [Sec. 23])
(7) Sending or receiving challenge to duel, challenging, etc.; leaving state to avoid the dueling law; officer not preventing duel; publishing as coward for refusal to duel. (Par. 174 [Sec. 66]; Par. 177 [Sec. 69]; Par. 180 [Sec. 72]; Par. 181 [Sec. 73])
(8) Death by dueling. [See Felonious Homicide **Omit** (2).] (Par. 176 [Sec. 68])
(9) Fighting, etc., or displaying pistol or other deadly weapon; same, hooded or masked; discharging firearms upon public highway. (Par. 143 [Sec. 56]; Par. 144 [Sec. 56a])

5. BURGLARY—BREAKING OR ENTERING

(1) Wilfully and maliciously and forcibly breaking and entering, or wilfully and maliciously, without force (the doors or windows being open), entering into any dwelling house, kitchen, office, shop, storehouse, warehouse, steamboat, or other watercraft, railroad car, schoolhouse, etc., with intent to commit murder, robbery, rape, mayhem or other felony or larceny. (Par. 65 [Sec. 36])
(2) Attempting to break and enter in the night time any building, ship or vessel, with intent to commit the crime of murder, rape, robbery, larceny or other felony. (Par. 66 [Sec. 37])

(3) Breaking and entering any building for the purpose of committing any crime and using or attempting to use explosives, electricity, acetylene, etc. (Par. 69)
(4) Assault with intent to commit burglary. (Par. 35 [Sec. 23])
(5) All attempts.

Omit

(1) Possession of burglars' tools. (Par. 68 [Sec. 39])
(2) Being found in any building, ship or vessel, with intent to commit the crime of murder, rape, robbery, larceny or other felony. (Par. 67 [Sec. 38])

6. **LARCENY—THEFT (except auto theft)**

(1) The felonious stealing, taking and carrying, leading, riding or driving away the personal goods of another, including theft of money or other personal property, or means or muniments by which the right and title to property, real or personal, may be ascertained, or any bond, bill, note, etc., or instrument of writing of value to the owner; and private stealing from the person of another and from a house in the daytime. (Par. 380 [Sec. 167])
(2) Larceny of property exceeding the value of $15 or from the person of another. (Par. 382)
(3) Larceny of property not stolen from the person, and of value of $15 or less. (Par. 382)
(4) Gas, water or electric current. (Par. 279 [Sec. 117])
(5) Any dog or bitch. (Par. 381 [Sec. 167a])
(6) Beast or bird ordinarily kept in a state of confinement and not the subject of larceny at common law. (Par. 391 [Sec. 171])
(7) Horse, mule, or ass. (Par. 392 [Sec. 172])
(8) Marking or branding, altering or defacing brands of any horse, mule, or domestic fowl, or neat cattle, sheep, etc., of another, with intent to steal same or prevent identification by true owner, where value is $15 or more; where value is less than $15. (Par. 434 [Sec. 206])
(9) Lead pipe, faucet or faucet and stop-cock from any dwelling house or other building, whether attached to same or not, or laid in the ground separate from same. (Par. 393 [Sec. 173])
(10) Any newspaper or periodical from place where left for any other person. (Par. 394 [Sec. 174])
(11) Anything parcel of the realty, or annexed thereto, the property of another of some value, taken by a trespass with intent to steal. (Par. 396 [Sec 175])
(12) Public records. (Par. 397 [Sec. 176])
(13) Cutting down or destroying any shrub, vine or tree, for ornament or use, on land of another, or street or public ground adjoining, or severing any product or thing, not his own, attached to the land of another; picking or carrying away fruit from enclosure of another entered without leave; or cutting, boxing, felling, etc., without color of title made in good faith, trees standing or growing on land of another or of the state, or school land. (Par. 427 [Sec. 201]; Par. 595 [Sec. 267]; Par. 597 [Sec. 269])
(14) Taking, stealing, etc., journal bearings or brasses or parts or attachments of any locomotive, tender or car, or used in operating same. (Par. 504)
(15) All attempts.

Omit

(1) Embezzlement or fraudulent conversion, as larceny. (Pars. 186 to 194 [Secs. 74 to 81½]; Pars. 196, 390)
(2) Obtaining money or property by false pretenses. (Par. 228 [Sec. 96])
(3) Receiving money or property by false personation. (Par. 236 [Sec. 103])
(4) Converison by bailee, with intent to steal. (Par. 388 [Sec. 170])
(5) Loosing, etc., rafts, vessels, without consent of owner. (Par. 424 [Sec. 198])
(6) Unlawfully interfering with journal bearings or brasses on locomotive, tender or car; maliciously removing waste or packing from journal boxes. (Pars. 504, 512)
(7) Unauthorized use; taking, driving, riding or using any draught animal, or vehicle or boat of another, without consent; or hiring same and failing to return same, with intent to defraud. Not applicable to cases of taking with intent to steal. (Par. 430 [Sec. 204])

7. AUTO THEFT

(1) Feloniously stealing any motor vehicle, the personal property of another. (Par. 386 [1], [Sec. 168a])
(2) All attempts.

Omit

(1) Taking, driving or using any vehicle of another, without consent; or hiring and failing to return same, with intent to defraud. Not applicable to cases of taking with intent to steal. (Par. 430 [Sec. 204])
(2) Chauffeur or other person operating motor vehicle or bicycle in absence of owner without owner's consent. (Ch. 95a, Par. 31 [Sec. 30])

INDIANA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Burns: Annotated Indiana Statutes (1926).
Acts, 1927.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: killing any human being purposely and with premeditated malice, or in the perpetration of, or attempt to perpetrate a rape, arson, robbery or burglary, or by administering poison, or causing the same to be administered. (Ann. Stats., 1926, Vol. I, Sec. 2412)
(2) First degree: death as the result of wilful and malicious arson. (Acts, 1927, Ch. 44, Sec. 7, p. 125)
(3) First degree: death from dueling within state. (Ann. Stats., 1926, Vol. I, Sec. 2413)
(4) First degree: death resulting from the wilful and malicious obstruction of a railroad. (Sec. 2513)
(5) Second degree: killing of any human being purposely and maliciously, but without premeditation. (Sec. 2514)
(6) Second degree: death resulting from throwing stones, etc., at a public conveyance. (Sec. 2511)
(7) Death from lynching. (Sec. 2531)
(8) Manslaughter: the unlawful killing of any human being without malice, expressed or implied.
Involuntary manslaughter: the unlawful killing of any human being without malice, expressed or implied, involuntarily but in the commission of some unlawful act.
(Sec. 2416, amended Acts 1927, Ch. 203, Sec. 1, p. 580)

Omit

(1) Death within the state from duel fought outside the state by previous appointment made within. (Sec. 2414)

2. RAPE

(1) First degree: unlawfully having carnal knowledge of a woman forcibly against her will, or of a female child under 16, or being over 18 and having carnal knowledge of a woman not the wife of the perpetrator, she being insane, idiotic or feeble-minded and he knowing her condition, or being over 18 and having carnal knowledge of an inmate of the women's prison or Indiana girls' school. Same, where the female is a child under 12. (Acts 1927, Ch. 201, Sec. 2, p. 576)
(2) Second degree: perpetrating an act of sexual intercourse with a female under 18, not the wife of the perpetrator, under circumstances not amounting to rape in the first degree. (Ch. 201, Sec. 2, p. 576)
(3) Assault and battery upon any female person with intent unlawfully to have carnal knowledge of such female, forcibly and against her will. (Ann. Stats. 1926, Vol. I, Sec. 2429)
(4) All attempts.

Omit

(1) Unlawful carnal knowledge of a male child under 16; or being over 18 and having carnal knowledge of a woman

not the wife of the perpetrator, who is epileptic, or a pauper inmate of a poor asylum, he knowing her condition; same, where the female is a child under 12. (Acts 1927, Ch. 201, Sec. 2, p. 576)

(2) Being a woman over 18 and consenting to be carnally known by any male over 14 other than her husband, such male being an epileptic or imbecile, or feebleminded or insane. (Ann. Stats. 1926, Vol. I, Sec. 2430)

3. ROBBERY

(1) Forcibly and feloniously taking from the person of another any article of value by violence or by putting in fear. (Acts 1927, Ch. 201, Sec. 1, p. 576)

(2) Assault or assault and battery with intent to commit robbery. (Ch. 201, Sec. 1, p. 576)

(3) With intent to commit larceny or any felony, confining, maiming, injuring or wounding, or attempting so to do, or putting in fear any person for the purpose of stealing from any building, bank, safe, or other depository of money, bonds, or other valuables, or by intimidation or threats compelling or attempting to compel any person to disclose or surrender the means of opening any building, safe, etc., or other depository. (Acts 1927, Ch. 158, p. 470)

(4) All attempts.

Omit

(1) Attempting to burn, blow up, or otherwise destroy any building, bank, safe, or other depository of money, bonds or other valuables with intent to commit larceny or any felony. [See Burglary (7).] (Acts 1927, Ch. 158, p. 470)

4. AGGRAVATED ASSAULT

(1) Poisoning with intent to kill. (Ann. Stats. 1926, Vol. I, Sec. 2431)

(2) Poisoning wells, etc., with intent to kill. (Sec. 2432)

(3) Purposely and maliciously with intent to maim or disfigure, cutting, biting, or slitting the nose, ear or lip, cutting out or disabling the tongue, putting out or destroying the eye, cutting off or disabling a limb or any member of another. (Sec. 2423)

(4) Violently and unlawfully depriving another of the use of any bodily member or unlawfully and wilfully disabling the tongue or eye, cutting, biting or slitting the nose, ear, or lip. (Sec. 2424)

(5) Being 14 or over and purposely putting upon another any acid, etc., with intent to injure. (Sec. 2422)

(6) Obstructing railroad tracks, etc. (Sec. 2513)

(7) Throwing a missile, maliciously or mischievously, and injuring a person in a public conveyance. (Sec. 2511)

(8) Dueling. (Sec. 2536)

(9) All attempts.

Omit

(1) Assault and battery in a rude, insolent and angry manner. (Sec. 2419)

(2) Unlawful attempt coupled with the present ability to inflict a violent injury on the person of another. (Sec. 2418)

(3) Drawing or threatening to use any dangerous weapon already drawn, except in defense. (Sec. 2539)

(4) Being over 10 years old, pointing a pistol or revolver with or without malice, loaded or empty. (Sec. 2544)
(5) Carrying or wearing concealed weapons. (Sec. 2540)
(6) Infliction of physical violence on person of a prisoner to force confession. (Sec. 2420)
(7) Giving or accepting a challenge to duel, or agreeing to go out of the state to duel or carrying a challenge. (Sec. 2524)
(8) Death from dueling. [See Felonious Homicide (3), Felonious Homicide Omit (1).] (Secs. 2413, 2414)
(9) Attempting to procure miscarriage. (Secs. 2435, 2436)
(10) Assault with intent to commit rape. [See Rape (3).] (Sec. 2429)
(11) Assault with intent to commit robbery. [See Robbery (2).] (Acts 1927, Ch. 201, Sec. I, p. 576)
(12) Assault or assault and battery with intent to commit a felony. [See Burglary (5).] (Ann. Stats. 1926, Vol. I, Sec. 2417, amended Acts 1927, Ch. 203, Sec. 2, p. 580)
(13) Discharging machine gun, or throwing bomb containing deadly or dangerous explosives from airplane, auto, ground, etc. (Acts 1927, Ch. 156, Sec. 2, p. 469)
(14) Prescribing or administering poison, drug, or medicine to another while intoxicated, thereby endangering life. (Ann. Stats. 1926, Vol. I, Sec. 2433)

5. BURGLARY—BREAKING OR ENTERING

(1) First degree: in the night time or day time breaking and entering any dwelling or other place of human habitation with intent to commit a felony and having in possession any deadly or dangerous weapon, or committing any acts of violence against the person while in the commission of the offense. (Acts 1927, Ch. 201, Sec. 3, p. 577)
(2) Second degree: in the night time or day time breaking or entering into any kitchen, smokehouse, shop, office, barn, church, boat, railroad car, etc., or other building with intent to commit a felony. Same, possessing a deadly or dangerous weapon, or committing an act of violence against the person of anyone in such place. (Ch. 201, Sec. 3, p. 577)
(3) In the day or night entering any dwelling house, kitchen, smokehouse, shop, office, factory, barn, meeting house, booth, tent, depot, railroad car, boat, etc., or other erection or enclosure and attempting to commit a felony. (Ann. Stats. 1926, Vol. I, Sec. 2448, amended Acts 1927, Ch. 203, Sec. 3, p. 581)
(4) Breaking and entering in the day time any dwelling house, kitchen, smokehouse, shop, office, factory, barn, church, watercraft, depot, railroad or street car, etc., with intent to commit larceny. (Sec. 2449)
(5) Assault with intent to commit burglary. (Sec. 2417, amended Acts 1927, Ch. 203, Sec. 2, p. 580)
(6) Breaking and entering either by day or night with intent to commit a felony any building, whether inhabited or not, and opening or attempting to open any vault, safe or other secure place by use of explosives, electricity, or gas. (Acts 1927, Ch. 19, p. 53)
(7) Attempting to burn, blow up, or otherwise destroy any building, bank, safe or other depository of money, bonds or other valuables with intent to commit larceny or any felony. (Acts 1927, Ch. 158, p. 470)
(8) All attempts.
(9) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Unlawfully breaking open and entering into, in the day or night, any dwelling house, shop, store, boat, or other watercraft, in which any person resides or dwells, and committing or attempting to commit any personal abuse, force or violence. (Ann. Stats, 1926, Vol. I, Sec. 2450)
(2) Person previously convicted of a felony being found having in possession burglars' tools with intent to commit burglary. (Acts 1927, Ch. 49, p. 131)

6. LARCENY—THEFT (except auto theft)

(1) Grand larceny: feloniously stealing, taking and carrying, leading or driving away the personal goods of another, of value of $100 or upwards. (Ann. Stats. 1926, Vol. I, Sec. 2451, amended Acts 1927, Ch. 203, Sec. 4, p. 581)
(2) Petit larceny: same, of value less than $100. (Sec. 2452, amended Acts 1927, Ch. 203, Sec. 5, p. 581)
(3) Any accessory or appurtenance contained in or forming part of any vehicle, automobile, car, truck, aeroplane or airship of value of $50 or more. (Acts 1927, Ch. 201, Sec. 4, p. 577)
(4) Public records, documents, or proceedings. (Ann. Stats. 1926, Vol. I, Sec. 2454)
(5) Will or other testamentary instrument. (Sec. 2456)
(6) Horse, mare, gelding, etc., of value of $25 or more. (Sec. 2457)
(7) Dog, upon which no taxes are delinquent. (Sec. 2459)
(8) Altering or defacing mark or brand of horses, sheep, cattle, etc. of another, with intent to steal same. (Sec. 2505)
(9) Taking fish or other property from private fish pond. (Sec. 2841)
(10) Diverting electric current. (Sec. 2509)
(11) Unlawfully entering lands of another and severing product or fruit from the soil of value of 10 cents or upwards, or severing property of like value from any building, gate, fence or railing; cutting down or destroying any vine, shrub, tree, etc., on land of another or state or school lands or removing from same without a license any tree, stone, timber, or other valuable article; or cutting down, etc., tobacco of another; gathering cranberries on public or state lands or lands owned by non-residents, between May 1 and September 15 each year; cutting down or injuring trees on public highways, or shade trees, or carrying off or removing same. (Secs. 2489, 2490, 2491, 2496, 2498, 2499)
(12) All attempts.

Omit

(1) Unlawfully disposing of, retaining, etc., state arms and equipment. (Sec. 2464)

7. AUTO THEFT

(1) Unlawfully, without consent of the owner, taking, carrying or driving away any vehicle, automobile, car, truck, aeroplane or airship, of value of $50 or more. (Acts 1927, Ch. 201, Sec. 4, p. 577)
(2) Automobile banditry: 2 or more persons cooperating, having committed a felony, seizing an automobile, etc., or other self-moving conveyance, by the use of which they escape or attempt to escape. (Acts 1927, Ch. 201, Sec. 5, p. 578)
(3) All attempts.

Omit

(1) Operating vehicle of any character, the property of another, without consent of owner. (Ann. Stats. 1926, Vol. I, Sec. 2462)

(2) Hiring or obtaining possession of motor vehicle from another and converting same to own use, or fraudulently disposing of same or abandoning or fraudulently failing to return same within time named in the contracts. (Acts 1927, Ch. 204, p. 583)

Note: Omit only cases where the original hiring or obtaining possession was lawful.

IOWA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Code of Iowa, 1927.
Acts, Special Session 1928.

1. FELONIOUS HOMICIDE

(1) Murder: killing any human being with malice aforethought either express or implied. (Code 1927, Sec. 12910)
(2) First degree: murder perpetrated by means of poison or lying in wait, or any other kind of wilful, deliberate and premeditated killing, or committed in perpetration or attempt to perpetrate any arson, rape, robbery, mayhem or burglary. (Sec. 12911)
(3) First degree: death from dueling. (Sec. 12924)
(4) Second degree: murder committed otherwise than as set forth in section 12911. (Sec. 12912)
(5) Death from explosives wilfully deposited near dwellings, boat, etc., or other inhabited place. (Sec. 12961)
(6) Manslaughter: penalty clause. (Sec. 12919)
Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, express or implied, either voluntarily, upon a sudden quarrel and reasonable provocation, or involuntarily while the slayer is in the commission of an unlawful act, not amounting to a felony, is the law of this state. State v. Shelledy (1859) 8 Iowa 477; State v. Moore (1868) 25 Iowa 128; State v. Abarr (1874) 39 Iowa 185; State v. Shaver (1924) 197 Iowa 1028.
(7) Death caused by intoxicating liquor sold, given away, etc., contrary to law. (Sec. 12920)
(8) Wrongful running of a railway hand car resulting in death. (Sec. 13128)

2. RAPE

(1) Ravishing and carnally knowing any female by force or against her will, or carnally knowing and abusing any female child under 16, or person over 25 carnally knowing and abusing any female under 17. (Sec. 12966)
(2) Unlawfully having carnal knowledge of any female by administering substance or by any other means producing stupor of mind or weakness of body so as to prevent effectual resistance, or having such carnal knowledge of an idiot or female naturally of such imbecility of mind or weakness of body as to prevent effectual resistance. (Sec. 12967)
(3) Assault with intent to commit rape. (Sec. 12968)
(4) All attempts.

Omit

(1) Lascivious acts with children. (Sec. 13184)

3. ROBBERY

(1) Stealing and taking from the person of another any property that is the subject of larceny, with force or violence or by putting in fear. (Sec. 13038)

(2) Robbery where the offender is armed with a dangerous weapon with intent, if resisted, to kill or maim the person robbed; or being so armed, wounds or strikes the person robbed, or has a confederate present and armed. (Sec. 13039)
(3) Committing robbery otherwise than is mentioned in section 13039. (Sec. 13040)
(4) Stopping, wrecking, derailing or obstructing, by any means or by explosives or removal of appliances, etc., any railway passenger train, with intent to commit robbery; or entering and taking possession of same for such purpose; or rifling any coach, car, safe, box or mail pouch; or taking and carrying away, with force and arms, any valuable thing whatever from same or any person thereon; or intimidating, injuring, wounding, or maiming any person thereon with intent to commit such robbery. (Sec. 13041)
(5) Entering bank, etc., with intent to hold up and rob same or any person therein; or intimidating, injuring, wounding or maiming any person therein with intent to commit such holdup or robbery. (Sec. 13002)
(6) Assault with intent to rob. (Sec. 12935)
(7) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder. (Sec. 12915)
(2) Assault with intent to maim, etc. (Sec. 12935)
(3) Assault with a dangerous weapon while masked. (Sec. 12916)
(4) Assault by poisoning food, medicine, springs, wells, etc., with intent to kill or injure. (Sec. 12918)
(5) Dueling. (Sec. 12925)
(6) With intent to maim or disfigure, cutting or maiming the tongue, cutting out or destroying an eye, cutting, slitting or tearing off an ear, cutting, biting, slitting or mutilating the nose or lip, cutting off or disabling a limb or member of another person. (Sec. 12928)
(7) Assault with intent to inflict great bodily injury. (Sec. 12934)
(8) Assault with explosives. (Sec. 12962)
(9) All attempts.

Omit

(1) Challenging to duel, seconding, etc.; accepting a challenge to duel, etc.; posting for refusal to fight, etc. (Secs. 12925, 12926, 12927)
(2) Death by dueling. [See Felonious Homicide (3).] (Sec. 12924)
(3) Entering, while masked, upon premises of another, or demanding admission into house or inclosure with intent to inflict bodily harm or injury to property. (Sec. 12932)
(4) Throwing brick, stone, or other missile into or shooting at dwelling house, etc. (Sec. 13081)
(5) Advising, counseling, inciting, etc., the unlawful killing of any human being where no such killing takes place. (Sec. 12917)
(6) Assault and battery. (Sec. 12929)
(7) Wilfully drawing or pointing a pistol, revolver or gun at another. (Sec. 12930)
(8) Intimidation while masked. (Sec. 12931)
(9) Shooting or throwing at train. (Sec. 13123)
(10) Assault with intent to commit rape. [See Rape (3).] (Sec. 12968)
(11) Assault with intent to commit robbery. [See Robbery (6).] (Sec. 12935)

(12) Assault with intent to commit burglary. [See Burglary (9).] (Sec. 12935)
(13) Assault with intent to commit any felony or crime punishable by penitentiary imprisonment. (Sec. 12933)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering any dwelling house in the night, with intent to commit any public offense, or having entered with such intent and breaking any such dwelling house in the night. (Sec. 12994)
(2) Burglary when offender is armed with a dangerous weapon, or so arms himself after having entered such dwelling house, or actually assaults any person lawfully therein, or has any confederate present aiding and abetting. (Sec. 12995)
(3) Committing burglary otherwise than as mentioned in section 12995. (Sec. 12996)
(4) Breaking and entering, with intent to commit crime, either by day or night, any building, inhabited or not, and opening or attempting to open any vault, safe or other secure place by use of explosives. (Sec. 12997)
(5) Same, by use of electricity or electrical means, or acetylene or any gas. (Sec. 12998)
(6) Breaking and entering in the day time, or entering without breaking in the night time, any dwelling house, or at any time breaking and entering any office, shop, store, warehouse, railroad car, boat or vessel, or any building where goods, merchandise or valuable things are kept, with intent to commit any public offense. (Sec. 13001)
(7) Attempting to break and enter, with intent to commit any public offense, any dwelling house at any time, or to enter any dwelling house in the night time without breaking, or at any time to break and enter any office, shop, store, etc., as above. (Sec. 13003)
(8) Unlawfully breaking and entering any freight or express car which is sealed or locked, in which goods, merchandise or valuable things are kept for use, deposit or transportation. (Sec. 13004)
(9) Assault with intent to commit burglary. (Sec. 12935)
(10) All attempts.
(11) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing burglars' tools. (Sec. 13000)
(2) Entering bank with intent to rob. [See Robbery (5).] (Sec. 13002)

6. LARCENY—THEFT (except auto theft)

(1) Stealing, taking and carrying away of the personal property of another any money, goods or chattels, including all domesticated or restrained animals, any writ, process or public record, bond, bank-note, etc. (Sec. 13005)
(2) Larceny of property of value exceeding $20.00. (Sec. 13006)
(3) Larceny of property of value not exceeding $20.00. (Sec. 13006)
(4) Larceny in the night time in dwelling house, store, or public or private building, or any boat, vessel or water craft, where value exceeds $20.00; where value does not exceed $20.00. (Sec. 13008)
(5) Same, in day time. (Sec. 13009)
(6) Larceny from any building on fire, or of property removed on account of alarm of fire. (Sec. 13010)

(7) Larceny from the person of another. (Sec. 13010)
(8) Electric current, water, steam, steam heat or gas. (Secs. 13014, 13120)
(9) Domestic fowl or poultry, and animals—irrespective of value. (Sec. 13015)
(10) Knowingly driving away stock of another, without consent. (Sec. 13138)
(11) Goods or chattels in custody of officer by virtue of legal process, where value exceeds $20.00; where value does not exceed $20.00. (Sec. 13016)
(12) Logs or lumber lying on waters of the state or land adjoining:
a. Taking or carrying same away. (Sec. 13019)
b. Mutilating or destroying identification marks thereof, or wilfully injuring same; placing mark or device thereon, other than the original. (Sec. 13019)
(13) Severing produce from land of another or anything attached thereto. (Sec. 13083)
(14) Cutting down, carrying away, etc.:
a. Timber or wood, earth, stone, ore or metal, grass, grain, fruit or vegetables from land of another. (Sec. 13086)
b. Goods in which the taker has no interest, from any wharf, street or landing place. (Sec. 13086)
c. Any fruit, ornamental or other tree on land of another. (Sec. 13088)
(15) Stealing or attempting to steal fruit, etc., in enclosure of another in the day time; in the night time. (Secs. 13089, 13090)
(16) All attempts.

Omit

(1) Unlawfully appropriating found property, knowing who is owner. (Sec. 13018)
(2) Unlawfully seizing and running locomotive engine. (Sec. 13125)
(3) Wrongfully taking or running hand car upon any railroad in the state. (Sec. 13127)
(4) Converting, selling or disposing, without consent, of logs or lumber lying on waters of the state or land adjoining. (Sec. 13019)
(5) Employee taking cordwood or other property from boat or vessel without paying. (Sec. 13025)
(6) Removing, carrying away, etc., safeguards or danger signals. (Sec. 13098)
(7) Conversion by carrier or other person intrusted with money, goods or property; by executor, etc.; by disposing of property under mortgage or conditional bill of sale, without consent. (Secs. 13035 to 13037)
(8) Receiving money or property by false personation, with intent to convert to own use. (Sec. 13046)
(9) Cutting away or loosing boom or raft of logs, or boat or vessel of another. (Sec. 13093)
(10) Diverting funds of farm aid association. (Sec. 2936)

7. AUTO THEFT

(1) Stealing, taking and carrying away, irrespective of value, any motor vehicle. (Sec. 13011)
(2) All attempts.

Omit

(1) Chauffeur or other person taking and operating motor vehicle without consent of owner. (Sec. 13092)

KANSAS

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Revised Statutes of Kansas 1923.
By C. I. Long, F. D. Smith and H. P. Farrelly.
Session Laws 1925, 1927, Special Session 1928.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: killing by means of poison, lying in wait or by any wilful, deliberate, and premeditated means or in the perpetration or attempt to perpetrate any arson, rape, robbery, burglary, or other felony. (Rev. Stats. 1923, Sec. 21-401)

(2) First degree: death resulting from destroying, injuring, or obstructing railroad property. (Sec. 21-566)

(3) Second degree: every murder committed purposely and maliciously but without deliberation and premeditation. (Sec. 21-402)

(4) Manslaughter: First degree: killing of a human being without design to effect death by the act, procurement or culpable negligence of another while engaged in perpetration of or attempt to perpetrate any crime or misdemeanor, not amounting to a felony, in cases when such killing would be murder at common law. (Sec. 21-407)

(5) Second degree: death of mother by administering to pregnant woman any drug, etc., to procure abortion, unless necessary to save her life or advised by a physician to be necessary. (Sec. 21-410)

(6) Second degree: killing a human being without design to effect death, in the heat of passion, but in a cruel or unusual manner. (Sec. 21-411)

(7) Second degree: unnecessarily killing another while resisting attempt by such other to commit any felony or do any other unlawful act after such attempt shall have failed. (Sec. 21-412)

(8) Third degree: killing another in the heat of passion without design to effect death, by a dangerous weapon, except where justifiable or excusable. (Sec. 21-413)

(9) Third degree: involuntary killing of a human being by the act, procurement or culpable negligence of another while such other is engaged in the commission of a trespass or other injury to or attempt to injure private rights or property. (Sec. 21-414)

(10) Third degree: killing by vicious animal suffered to go at large by the owner, and where person killed has taken the precautions circumstances permit. (Sec. 21-415)

(11) Third degree: death resulting through wilful and negligent overloading of vessel operated for gain. (Sec. 21-416)

(12) Third degree: killing resulting from the operation of a steamboat after engine or machinery has been reported as unsafe or out of repair, etc. (Sec. 21-417)

(13) Third degree: death caused by a physician while in state of intoxication, administering drugs, etc., without design to effect death. (Sec. 21-418)

(14) Fourth degree: involuntary killing of another by a weapon or by means neither cruel nor unusual, in the heat of passion, in cases other than justifiable homicide. (Sec. 21-419)

(15) Fourth degree: every other killing of a human being by the act, procurement or negligence of another which would be manslaughter at common law and is not excusable or justifiable, or manslaughter in some other degree. (Sec. 21-420)
Note: The common law definition, viz., that manslaughter is the unlawful killing of a human being without malice, express or implied, is the law of this state. State v. Ireland (1905) 72 Kan. 265; State v. Murray (1910) 83 Kan. 148; State v. Schwenk (1917) 101 Kan. 408.

Omit

(1) Assisting another in commission of self-murder. (Sec. 21-408)
(2) Killing of an unborn quick child by injury to the mother, etc. (Sec. 21-409)
(3) Death of unborn child by administering drugs, etc., to pregnant woman. (Sec. 21-410)

2. RAPE

(1) Carnally and unlawfully knowing any female under 18, or forcibly ravishing any woman of age of 18 or upwards. (Sec. 21-424)
(2) Carnal knowledge of a woman of 18 or upwards, without her consent, by the administration of drugs, etc., which prevent effectual resistance. (Sec. 21-425)
(3) Guardian or other person carnally knowing female under 18, confided to his care. (Sec. 21-909)
(4) Assault with intent to commit rape. (Sec. 21-434)
(5) Assault with a deadly weapon, or means, or force likely to produce death or great bodily harm, with intent to ravish. (Sec. 21-431)
(6) All attempts.

3. ROBBERY

(1) Not defined by statute. Robbery is the felonious stealing, taking, or carrying away of personal property committed by violence to the person of one put in fear. Guffey v. Casualty Co. (1921) 109 Kan. 61; State v. Stoffel (1892) 48 Kan. 364.
(2) First degree: feloniously taking the property of another from his person or in his presence and against his will by violence to his person or by putting him in fear of immediate injury to his person. (Sec. 21-527)
(3) Second degree: feloniously taking the property of another from his person or in his presence which is delivered through fear of injury to the person or property, or to the person of a relative or member of the family, threatened to be inflicted at a future time. (Sec. 21-528)
(4) Entering or attempting to enter any bank, etc., with intent to hold up or rob same or any person therein; or intimidating, injuring, wounding, or maiming any person therein with intent to commit such holdup or robbery. (Sec. 21-531)
(5) Obstructing, by explosive or otherwise, or stopping or detaining any railway train, with design to rob any person thereon; or having entered same, robbing any person, company, mail pouch or car. (Sec. 21-1907)
(6) Assault with intent to commit robbery. (Sec. 21-434)
(7) Assault with a deadly weapon, or means or force likely to produce death or great bodily harm, with intent to rob. (Sec. 21-431)
(8) All attempts.

Omit

(1) Extorting and gaining money by accusing or threatening to accuse another of felony or other crime, or threatening injury to the person or property of anyone. (Sec. 21-529)
(2) Attempting to extort by threats. (Sec. 21-532)

4. AGGRAVATED ASSAULT

(1) Assault with a deadly weapon with malice aforethought and with intent to kill, maim, etc. (Sec. 21-431)
(2) Administering poison with intent to kill. (Sec. 21-432)
(3) Poisoning food, wells, etc. (Sec. 21-433)
(4) On purpose and with malice aforethought, cutting or biting the ear or cutting or disabling the tongue, or putting out an eye or slitting, cutting, or biting the nose or lip or cutting off or disabling limb or member of any person with intent to kill, main or disfigure such person. (Sec. 21-430)
(5) Maiming, wounding, disfiguring or causing great bodily harm or endangering the life of a person by act, procurement or culpable negligence of another under circumstances which would constitute murder or manslaughter if death should ensue. (Sec. 21-435)
(6) Wounding another under such circumstances as do not constitute any other offense herein defined. (Sec. 21-436)
(7) Wounding an officer in the discharge of his duty. (Sec. 21-719)
(8) All attempts.

Omit

(1) Inmate of state industrial school forcibly resisting authority of any officer or committing a felonious assault upon an officer, employee or inmate. (Sec. 21-2001)
(2) Assaulting and beating another under such circumstances as do not constitute any other offense. (Sec. 21-436)
(3) Assaulting and beating an officer engaged in the service or execution of a process, etc. (Sec. 21-719)
(4) Menace or assault of person at a religious meeting. (Sec. 21-949)
(5) Assault with intent to commit rape. [See Rape (4), (5).] (Secs. 21-434, 21-431)
(6) Assault with intent to commit robbery. [See Robbery (4), (6), (7).] (Secs. 21-531, 21-434, 21-431)
(7) Assault with intent to commit burglary. [See Burglary (11), (12).] (Secs. 21-434, 21-431)
(8) Assault with intent to commit any other felony. (Secs. 21-431, 21-434)
(9) Unlawful possession, etc., of explosives. (Secs. 21-2444 to 21-2448)

5. BURGLARY—BREAKING OR ENTERING

(1) First degree: breaking and entering in the night time the dwelling house of another in which there is at the time a human being, with intent to commit a felony therein, or any larceny, either: (1) by forcibly breaking any outer wall, door, window or shutter, lock, bolt or fastening; or (2) by breaking in any other manner, being armed with a dangerous weapon, or having the assistance of one or more confederates, then actually present; or (3) unlocking an outer door by false keys, or picking the lock thereof. (Sec. 21-513)
(2) Second degree: breaking into a dwelling house in the day time under circumstances which would have constituted burglary in the first degree if committed in the night time. (Sec. 21-514)

(3) Second degree: breaking into a dwelling in the night time with intent to commit a felony or any larceny but under circumstances not amounting to burglary in the first degree. (Sec. 21-515)
(4) Second degree: entering the dwelling house of another by day or night in a manner not constituting burglary as before specified, with intent to commit a felony or any larceny; or being in a dwelling of another and committing any felony or larceny and in the night time breaking out of same. (Sec. 21-516)
(5) Second degree: having entered the dwelling house of another in the night time through an open outer door or aperture not made by such person and breaking an inner door with intent to commit felony or larceny. (Sec. 21-517)
(6) Second degree: being lawfully in the dwelling house of another with consent of occupant and in the night time breaking an inner door with intent to commit a felony or larceny. (Sec. 21-518)
(7) Second degree: breaking and entering in the night time any building within the curtilage of a dwelling house, but not forming part thereof, or any shop, store, booth, tent, warehouse, or other building, or any boat or vessel in which there shall be some human being at the time or any goods, wares, or merchandise, or other valuable thing kept or deposited, or any passenger coach, baggage, freight or express car, etc., with intent to steal or commit any felony therein. (Sec. 21-520)
(8) Third degree: breaking and entering in the day time any dwelling house or other building, or any shop, store, tent, boat, vessel, passenger coach, etc., under circumstances constituting burglary in the second degree if committed in the night time. (Sec. 21-521)
(9) The breaking out of any dwelling house or the breaking of an inner door thereof by any person being therein, in any case other than herein particularly specified. (Sec. 21-522)
Note: Include only cases involving felonious intent.
(10) Burglary with explosives by breaking and entering any building, inhabited or not, by day or night, with intent to commit a crime, and opening or attempting to open any vault, safe or other place by explosives. (Sec. 21-525)
(11) Assault with intent to commit burglary. (Sec. 21-434)
(12) Assault with a deadly weapon, etc., in an attempt to commit burglary or other felony. (Sec. 21-431)
(13) All attempts.
(14) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession, making, repair, etc., of instruments or explosives used in committing burglary. (Sec. 21-2437)

6. LARCENY—THEFT (except auto theft)

(1) Grand larceny: feloniously stealing, taking or carrying away the following property of another:
Any money, goods, rights in action or other personal property or valuable thing of the value of $20.00 or more.
Any horse, mare, gelding, etc.
In the night time any domestic fowl, harness or saddle. (Sec. 21-533)
(2) Petit larceny: stealing, taking and carrying away money or personal property or effects of another, under the value of $20.00—not being the subject of grand larceny without regard to value. (Sec. 21-535)
(3) Larceny in a dwelling house, boat or vessel. (Sec. 21-537)

(4) Larceny in any railway depot, station house, telegraph office, passenger coach, baggage, express or freight car or any caboose. (Sec. 21-1909)
(5) Picking the pockets of another or unlawfully taking from the person of another any personal property with intent to steal same. (Sec. 21-2422)
(6) Larceny from the person in the night time. (Sec. 21-537)
(7) Livestock:
a. Marking, branding or altering mark or brand of any animal of another, the subject of larceny with intent to steal or convert. (Sec. 21-539)
b. Wilfully killing same, with intent to steal or convert any part. (Sec. 21-539)
c. Unlawfully marking or branding or destroying or altering marks or brands on horses, etc., of another. (Sec. 47-402)
(8) Will or instrument affecting any interest in property, recorded instrument,—grand larceny, without regard to value. (Secs. 21-540, 21-541)
(9) Products of the soil or parts of the realty severed and taken and converted with intent to steal. (Sec. 21-543)
(10) Cutting down or taking away, etc., any tree, timber, rails or wood, stones, ore, gravel, fruits, plants, grain, grass, corn, flax, hemp standing or being on land of another, entering enclosure and carrying away, etc., fruit. (Secs. 21-2435, 21-536)
(11) Opening grave, etc., with intent to steal coffin, vestment, or other article interred therewith. (Sec. 21-913)
(12) All attempts.

Omit

(1) Unauthorized use:
a. Taking, carrying away and using horse or other domestic animal or vehicle or conveyance or personal property of any kind, against owner's will but without intent of stealing or converting permanently to own use. (Sec. 21-544)
b. Taking and using boat without consent of owner. (Sec. 21-2423)
(2) Removal of journal brass from engine or cars, except by employees in performance of duty. (Sec. 21-1909)
(3) Concealing or taking boat of another from place of anchorage or where fastened. (Sec. 21-2423)
(4) Embezzling, stealing or purloining of furnishings, etc., by tenant or lodger. (Sec. 21-548)
(5) Embezzling any will or instrument affecting any interest in property, embezzling recorded instrument,—grand larceny, without regard to value. [See (8) above.] (Secs. 21-540, 21-541)
(6) Destroying, etc., or removing wilfully and maliciously, the property of another, public or private. (Sec. 21-1407)
(7) Obtaining money, personal property, etc., by use of false pretenses. (Secs. 21-551 to 21-553)

7. AUTO THEFT

(1) Stealing any automobile or motor vehicle is grand larceny. (Sec. 21-533)
(2) All attempts.

Omit

(1) Taking, carrying away and using any automobile or other vehicle or conveyance of another, against owner's will but without intent of stealing or converting permanently to own use. (Sec. 21-544)

KENTUCKY

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Carroll's Kentucky Statutes, 1922.
Baldwin's Kentucky Statute Service, 1928.

1. FELONIOUS HOMICIDE

(1) Murder: penalty clause. (Ky. Stats. 1922, Sec. 1149)
Note: Murder is not defined by statute. The common law definition, viz., that murder is the unlawful killing of another with malice aforethought, express or implied, is the law of this state. Conner v. Com. (1878) 13 Bush 714; Com. v. Ill. Central R. R. Co. (1913) 152 Ky. 320; Com. v. Mosser (1909) 133 Ky. 609; Turner v. Com. (1915) 167 Ky. 365.
(2) Death by lynching. (Sec. 1151a-1)
(3) Death caused by wilful obstruction of public highway or private passway. (Sec. 1241)
(4) Penalty clause for voluntary manslaughter. (Sec. 1150)
Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, either voluntarily, in a sudden affray or a sudden heat and passion, or involuntarily, while engaged in the commission of an unlawful act, not amounting to a felony, or of a lawful act in an unlawful manner, is the law of this state. Conner v. Com. (1878) 13 Bush 714; Com. v. Mosser (1909) 133 Ky. 609; Com. v. Ill. Central R. R. Co. (1913) 152 Ky. 320; Combs v. Com. (1908) 112 S.W. 658.
(5) Wilfully striking, stabbing, shooting or thrusting another, without design to produce death, but from which death does occur within six months. (Sec. 1151)
(6) Death of woman caused by administering drug, etc., with intent to procure miscarriage, unless necessary to preserve her life. (Sec. 1219a-3)

2. RAPE

(1) Unlawful carnal knowledge of a female over 12 against her will or consent, or by force, or while she is insensible. (Sec. 1154)
(2) Unlawful carnal knowledge of a female under 16, or an idiot. (Sec. 1155)
(3) Rape of an infant under 12. (Sec. 1152)
(4) Attempting to commit rape upon the body of an infant under 12. (Sec. 1153)
(5) All attempts, including assault with intent to rape.

3. ROBBERY

(1) Penalty clause. (Sec. 1159)
Note: Robbery is not defined by statute. The common law definition, viz., that robbery is the felonious taking of property from the person of another, accompanied by violence or putting in fear, is the law of this state.

Breckinridge v. Com. (1895) 97 Ky. 267; Williams v. Com. (1899) 20 Ky.L.R. 1850; Triplett v. Com. (1906) 28 Ky.L.R. 974; Blanton v. Com. (1900) 22 Ky.L.R. 515; Jones v. Com. (1902) 112 Ky. 689.

(2) Robbery of obligations, bonds, deeds, bills, notes, etc. (Sec. 1161)
(3) Robbing a person in his dwelling or market booth, he or any member of his household being within. [See Larceny (4) and Burglary (2).] (Sec. 1162)
(4) By force or violence, stealing, taking, or attempting so to do, from any bank, any money, notes or other thing of value. (Sec. 1159a)
(5) With an offensive weapon by assault, menace, threat, or in any forcible and violent manner demanding any money, or anything of value from any other person, with intent to rob. (Sec. 1160)
(6) All attempts.

Omit

(1) Larceny of obligations, bonds, etc. [See Larceny (5).] (Sec. 1161)
(2) By means of explosives or any other force unlawfully opening or attempting to open any safe, etc. [See Burglary (5).] (Sec. 1159a)

4. AGGRAVATED ASSAULT

(1) Wilfully and maliciously shooting at, stabbing, poisoning, etc., another. (Sec. 1166)
(2) Unlawfully putting out an eye, biting off the nose, ear, lip, etc. (Sec. 1165)
(3) Drawing a deadly weapon on another, using or threatening to use it except in self-defense. (Sec. 1308)
(4) Shooting at, wounding another, etc., in sudden affray or heat of passion. (Sec. 1242)
(5) Wilfully exploding dynamite, etc., in any house or building, occupied or not. (Sec. 1375)
(6) All attempts.

Omit

(1) Challenging to duel, accepting, carrying or delivering a challenge. (Sec. 1269)
(2) Procuring abortion. (Sec. 1219a-1)
(3) Provoking assault. (Sec. 1271)
(4) Firing deadly weapon in a public place. (Sec. 1308)
(5) Assault with intent to rob. [See Robbery (5).] (Sec. 1160)

5. BURGLARY—BREAKING OR ENTERING

(1) Penalty clause. (Sec. 1159)
Note: Burglary is not defined by statute. The common law definition, viz., that burglary is the breaking and entering in the night time the dwelling house of another, with intent to commit a felony, is the law of this state. Olive v. Com. (1869) 5 Bush 376; Daniels v. Com. (1887) 9 Ky. 276; Hayes v. Com. (1916) 171 Ky. 291; Carter v. Com. (1922) 244 S.W. 321.
(2) Breaking any dwelling house or part thereof or outbuilding belonging thereto and taking away anything of value. [See Robbery (3) and Larceny (4).] (Sec. 1162)
(3) Forcibly breaking and entering into any railroad station, car factory, car, etc., with intent to rob any person therein or to steal therefrom. (Sec. 1163)

(4) Breaking any warehouse, storehouse, shop, office, etc., or room on a boat, with intent to steal, or stealing therefrom or destroying anything of value. (Sec. 1164)
(5) By means of explosives or any other force unlawfully opening or attempting to open any safe in which is kept money, securities, etc., or other thing of value. (Sec. 1159a)
(6) All attempts, including assault with intent to commit burglary.
(7) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession of burglar's tools. (Sec. 1159)

6. **LARCENY—THEFT (except auto theft)**

(1) Not defined by statute. The common law definition, viz., that larceny is the wrongful and fraudulent taking and carrying away of the property of another, with the fraudulent intent to convert same to the use of the taker and deprive the owner permanently of his property without the owner's consent, is the law of this state. Stevens v. Com. (1876) 8 Ky. Opin. 800; Alexander v. Com. (1892) 14 Ky.L.R. 290; Triplett v. Com. (1906) 28 Ky.L.R. 974; Mearns v. Com. (1915) 164 Ky. 213.
(2) Grand larceny: larceny of goods, money, chattels or other property of value of $20 or more. (Sec. 1194)
(3) Petit larceny: larceny of money, goods, chattels or other property of less value than $20; or of a hog of less value than $4. (Sec. 1243)
(4) Feloniously taking goods, chattels, or other thing of value belonging thereto out of or from any church, school house, court house or other public building. [See Robbery (3) and Burglary (2).] (Sec. 1162)
(5) Larceny of obligations, bonds, deeds, wills, bills obligatory, promissory notes, etc. (Sec. 1161)
(6) Livestock:
a. Stealing a horse, mule, jack or jennet. (Sec. 1195)
b. Stealing a hog of value of $4 or more. (Sec. 1196)
c. Knowingly altering or defacing brands on cattle of another. (Sec. 1245)
d. Driving unbranded sheep more than 10 miles along a public road. (Sec. 1324)
(7) Knowingly altering or defacing brands on any property of another. (Sec. 1245)
(8) Public records. (Sec. 1197)
(9) Pump or other materials or goods from steamboat or vessel in distress. (Sec. 1198)
(10) Land warrant for survey of unappropriated land. (Sec. 1200)
(11) Property in the custody of a common carrier for transportation or delivery. (Sec. 1201b)
(12) Chickens, turkeys, ducks or other fowl of value of $2.00 or more. (Sec. 1201c)
(13) Fish in any pool, pond, etc., wherein fish are put or stored by owner or person in possession. (Sec. 1252)
(14) Water; electric current. (Secs. 1252a-1, 1262a-1)
(15) Cutting or sawing down and carrying away timber growing upon lands of another, without color of title, of value of $20 or more; same, of value less than $20, and more than $5; taking tobacco plants growing in the bed; cutting down or

destroying any fruit or shade tree of another, quarrying stone on land of another; or entering orchard or garden and taking or carrying away fruit or vegetables without consent. (Secs. 1201, 1201a, 1244, 1257, 1260)

(16) Occupant of family, fish, junk or shanty boats landing without consent and taking stone, gravel, coal, timber, fruit, grain, vegetables, fowl or other thing of value. (Sec. 1266)

(17) Removing, etc., any part or accessory of any vehicle for any purpose whatsoever, against the will or without the consent of the owner. (Sec. 2739g-55)
Note: Include here only cases where intent to steal appears.

(18) Taking, obtaining, receiving, etc., property, goods, merchandise, etc., by fraudulent operation of automatic vending machine. (Baldwin's Ky. Stats. Service 1928, Sec. 1376s-1)

(19) Wilfully or knowingly removing coal from lands or premises of another, of value of $20 or more, without color of title to same. (Sec. 1244a-1)

(20) All attempts.

Omit

(1) Taking, carrying away, etc., any property unlawfully but not with felonious intention. (Ky. Stats. 1922, Sec. 1256)

(2) Innkeeper fraudulently converting money, etc., deposited by guest for safe custody. (Sec. 2177)

(3) Embezzling or fraudulently converting to own use any part of any motor vehicle delivered (for hire) which may be the subject of larceny. (Baldwin's Ky. Stats. Service, 1928, Sec. 1376r-7)

(4) Breaking, injuring, etc., any part or accessory of any vehicle for any purpose whatsoever, against the will and without consent of the owner, whether maliciously or otherwise. (Ky. Stats. 1922, Sec. 2739g-55)
Note: Omit only cases where no intent to steal appears. [See (17) above.]

(5) Fraudulent disposition, etc., of personal property under mortgage or lien. (Baldwin's Ky. Stats. Service, 1928, Sec. 1358)

(6) Selling or converting money or property of another without consent. (Ky. Stats. 1922, Sec. 1358a)

(7) Robbery of obligations, bonds, deeds, etc. [See Robbery (2).] (Sec. 1161)

7. AUTO THEFT

(1) Unlawfully taking or operating a vehicle without the knowledge and consent of the owner, is grand larceny. (Sec. 2739g-58)
Note: Include here only cases in which an intent to steal appears.

(2) All attempts.

Omit

(1) Embezzling or fraudulently converting to own use any motor vehicle delivered (for hire) which may be the subject of larceny. (Baldwin's Ky. Stats. Service, 1928, Sec. 1376r-7)

(2) Obtaining custody of vehicle from owner or agent, with intent to deprive same of *temporary* use, by trick, false representation, token or writing or false personation. (Sec. 1376r-4)

(3) Hiring vehicle with intent to defraud. (Sec. 1376r-5)
Note: Omit only cases where no intent to steal appears.

(4) Abandoning or neglecting or refusing to re-deliver motor vehicle as agreed. (Sec. 1376r-6)
Note: Omit only cases where the original hiring or obtaining possession was lawful.

(5) Unlawfully taking or operating a vehicle without the knowledge and consent of the owner. (Ky. Stats. 1922, Sec. 2739g-58)
Note: Omit only cases where no intent to steal appears. [See Auto Theft (1).]

LOUISIANA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Marr's Annotated Revised Statutes of Louisiana, through the session of 1915.
Marr's Annotated Supplement (1926).
Acts, regular session 1926; extra session 1927; regular session 1928.

1. FELONIOUS HOMICIDE

(1) Murder: penalty clause. (Marr's Rev. Stats. 1915, Vol. I, Sec. 1607)
Note: Murder is not defined by statute. The common law definition, viz., that murder is the unlawful killing of one human being by another with malice aforethought, express or implied, is the law of this state. State v. Robinson (1918) 143 La. 543; State v. Mullen (1859) 14 La. Ann. 570.
(2) Death from duel with a dangerous weapon. (Sec. 2066)
(3) Manslaughter: penalty clause. (Sec. 1609)
Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, express or implied, either voluntarily, upon sudden heat, or involuntarily, but in the commission of some unlawful act, is the law of this state. La. v. Griffin (1882) 34 La. Ann. 37; State v. Robinson (1918) 143 La. 543.
(4) Death from steamboat accident due to racing, unlawful amount of steam, collision, or occurring during game of chance, or from overloading. (Sec. 2062)
(5) Death from storing gunpowder on steamboat where due notification has not been posted. (Sec. 2063)
(6) Death from shipping gunpowder where shipper has not given due notice to master or clerk. (Sec. 2064)

2. RAPE

(1) Penalty clause. (Sec. 1610)
Note: Rape is not defined by statute. The common law definition, viz., that rape is the having of unlawful carnal knowledge by a man of a woman forcibly and against her will, or without her consent, is the law of this state. State v. Mehojovich (1907) 118 La. 1013; State v. Cutrer (1916) 140 La. 34; State v. Tilman (1878) 30 La. Ann. 1249.
(2) Person over 17 having carnal knowledge of any unmarried female between 12 and 18 years of age, with her consent. (Sec. 1633)
(3) Any person unlawfully and carnally knowing any female idiot, or insane or imbecile woman or girl, knowing her to be so. (Sec. 1634)
(4) Assault with intent to commit rape. (Sec. 1616)
(5) Armed with a dangerous weapon and lying in wait with intent to commit rape. (Sec. 1612)
(6) Attempting to administer poison, or administering or attempting to administer any drug or thing whatever, with intent to commit rape. (Sec. 1610)
(7) All attempts.

Omit

(1) Male over 18 assaulting female child under 14 by laying hands on or near her sexual organs.
(Acts 1926, No. 65, Sec. 1, p. 82)

3. ROBBERY

(1) Penalty clause. (Marr's Rev. Stats. 1915, Vol. I, Sec. 1700)
Note: Robbery is not defined by statute. The common law definition, viz., that robbery is the felonious taking of the property of another from his person, or in his presence, against his will, by violence or putting him in fear, is the law of this state. State v. Wilson (1915) 136 La. 346; State v. Cook (1868) 20 La. Ann. 14; State v. Patterson (1890) 42 La. Ann. 934.
(2) Robbery of bank notes, bonds, bills obligatory, etc. (Sec. 1701)
(3) Detaining or stopping a railroad train, or attempting same, with intent to commit robbery, or under any circumstances robbing a train or any person thereon. (Sec. 1702)
(4) Assault with intent to commit robbery. (Sec. 1616)
(5) Armed with a dangerous weapon and lying in wait with intent to commit robbery. (Sec. 1612)
(6) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault by wilfully shooting at another or with intent to murder. (Sec. 1616)
(2) Assault or attempt to administer poison, drug, etc., with intent to murder. (Sec. 1610)
(3) Armed with a dangerous weapon and lying in wait with intent to murder. (Sec. 1612)
(4) Assault by shooting or stabbing with intent to murder while lying in wait or in perpetration of or attempt at arson. (Sec. 1613)
(5) Shooting, stabbing, etc., any person with intent to murder under circumstances other than in section 1613. (Sec. 1614)
(6) Shooting, stabbing, etc., any person with intent to kill. (Sec. 1615)
(7) Assault with intent to kill. (Sec. 1619)
(8) Dueling, without fatal results. (Sec. 2066)
(9) Wounding, less than mayhem, wilfully and maliciously with a dangerous weapon or with intent to kill. (Sec. 1620)
(10) Burning, scalding, etc., with hot water or corrosive or caustic substance. (Secs. 1621, 1622)
(11) With malice aforethought with intent to maim, disable or disfigure another, cutting or biting off an ear, cutting out or disabling the tongue; or while fighting or otherwise, slitting, cutting or biting off the nose or lip, or cutting off or disabling any member. (Sec. 1628)
(12) With malice aforethought, putting out an eye of any person, while fighting or otherwise, with intent to disfigure or blind him. (Sec. 1629)
(13) Blowing up, etc., any house, vehicle, etc., in which human beings are customarily to be found, or attempting same.
(Marr's Supp. 1926, p. 369; [Act 108, 1918, amending Act 263, 1908])
(14) Assault with a dangerous weapon.
(Marr's Rev. Stats. 1915, Vol. I, Sec. 1623)
(15) Wounding, short of maiming. (Sec. 1624)
(16) Wounding an officer while engaged in serving a process. (Sec. 1971)
(17) All attempts.

Omit

(1) Assaulting another without a dangerous weapon. (Sec. 1623)
(2) Assaulting and beating, without wounding, another. (Sec. 1624)
(3) Shooting at dwelling house, school house, church house or outhouse, any person being lawfully therein. (Sec. 1617)
(4) Throwing any missile or shooting at boat or train or at any human being thereon, or aiding or procuring such throwing or shooting. (Sec. 1618)
(5) Injury to any person, passenger or not, by negligent driving of a railroad car. (Sec. 1625)
(6) Same, with a motor vehicle, or aiding and encouraging such recklessness. (Sec. 1626)
(7) Conspiracy to commit assault and battery. (Sec. 2073)
(8) Resisting, assaulting and beating any officer while engaged in serving a process. (Sec. 1971)
(9) Intimidating witness in criminal case by force, threat, etc. (Sec. 1976)
(10) Throwing any missile or shooting with any firearm at or into motor vehicle or at any human being therein or aiding or abetting same. (Sec. 1924)
(11) Assaults by person disguised by hood or mask. (Sec. 1924)
(12) Hazing. (Marr's Supp. 1926, p. 397; [Act 105, 1920, p. 397, Sec. 1])
(13) Unlawfully possessing combustibles or explosive substances with malicious intent. (Marr's Supp. 1926, p. 370; [Act 89, 1916])
(14) Assault with intent to rape. [See Rape (4).] (Marr's Rev. Stats. 1915, Vol. I, Sec. 1616)
(15) Assault with intent to rob. [See Robbery (4).] (Sec. 1616)
(16) Attempting to administer poison, etc., with intent to commit rape. [See Rape (6).] (Sec. 1610)
(17) Armed with a dangerous weapon and lying in wait with intent to commit rape. [See Rape (5).] (Sec. 1612)
(18) Same, with intent to rob. [See Robbery (5).] (Sec. 1612)
(19) Challenging to duel, seconding, etc.; accepting challenge to duel, acting as agent or abettor, etc. (Secs. 2067, 2068)
(20) Death by dueling. [See Felonious Homicide (2).] (Sec. 2066)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering, or having entered, breaking, in the night time, with intent to kill, rob, steal, commit rape or any other crime, a dwelling house, tent or other place used as a dwelling, any person being lawfully therein, and such offender being at the time armed with a dangerous weapon, or arming himself therein, or committing actual assault upon any person lawfully therein. (Sec. 1800, amended Acts 1926, No. 21, p. 23)
(2) Same, without being armed with a dangerous weapon, or without arming himself in such place, and without committing an assault upon any person lawfully therein. (Sec. 1801, amended Acts 1926, No. 71, p. 88)
(3) Breaking and entering, or having entered, breaking, in the night time, with intent to rob, steal, commit rape or any other crime, any shop, store, office, courthouse, church, barn, or any outhouse appurtenant to a dwelling house or plantation, etc., or any building, house or tent occupied or used for any purpose whatsoever other than as a dwelling, or any vessel. (Sec. 1802, amended Acts 1926, No. 72, p. 89)
(4) Entering in the night time, without breaking, or in the day time breaking and entering with intent to kill, rob, steal, commit rape or any other crime, any dwelling or outhouse, shop,

store, etc., or any building, house or tent occupied or used for any purpose whatsoever, or any vessel.
(Sec. 1803, amended Acts 1926, No. 20, p. 23)

(5) Breaking and entering in the night time, with intent to commit any crime, any steamboat, vessel or railroad car, or having entered with such intent, breaking same or the seal thereof. [See **Omit** (1).] (Sec. 1804)

(6) Entering in the night time without breaking, or in the day time breaking and entering, with intent to commit any crime, any steamboat, vessel or railroad car, or breaking any seal thereof. [See **Omit** (2).] (Sec. 1805)

(7) Breaking or attempting to break open any box or receptacle, in church or other place, where money is deposited. (Sec. 1806)

(8) Breaking and entering, by day or night, with intent to commit crime, any building, inhabited or not, and opening or attempting to open any vault, safe or other secure place by the use of explosives. (Acts 1926, No. 6, Sec. 1, p. 8)

(9) All attempts, including assault with intent to commit burglary.

(10) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Breaking and entering in the night time, with intent to commit any misdemeanor, any steamboat, vessel or railroad car, or having entered with such, intent, breaking same or the seal thereof. (Marr's Rev. Stats. 1915, Vol. I, Sec. 1804)

(2) Entering in the night time without breaking, or in the day time breaking and entering with intent to commit any misdemeanor, any steamboat, vessel or railroad car, or breaking any seal thereof. (Sec. 1805)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. Larceny is the felonious stealing, taking and carrying away of the personal property of another. State v. Harris (1890) 42 La. Ann. 980; State v. Parry (1896) 48 La. Ann. 1483.

(2) Grand larceny: larceny of any property, money or object, of value of $100.00 or more. (Sec. 1704)

(3) Petit larceny: larceny of any property, etc., of value under $100.00; of a value less than $5.00; of a value of $5.00 or more but under $20.00. (Sec. 1705)

(4) Stealing from the person of another. (Sec. 1703)

(5) Bank notes, etc. (Sec. 1701)

(6) Livestock, etc.:

a. Horse, ass or mule; any species of cattle. (Secs. 1706, 1707)

b. Skinning any dead cow, etc., of another, for purpose of appropriating skin without consent of owner. (Sec. 1708)

c. Wounding or killing any neat cattle, etc., of another with intent to steal; feloniously or maliciously marking or branding or altering or defacing mark or brand of any horse, mare, gelding, etc. (Sec. 1709)

d. Stealing a hog, etc. (Marr's Supp. 1926, p. 371; [Act 45, 1918])

(7) Any part, accessory or equipment belonging and attached to any motor driven vehicle. (Act 33, 1926, p. 44, Sec. 1)

(8) Produce and fixtures:

a. Severing any produce, fruit or crop from soil of another; or any part or material of any building, fence, enclosure, etc., of another. (Marr's Rev. Stats. 1915, Vol. I, Sec. 1719)

b. Stealing, etc., any plumbing, gas or electric light fixtures, or appurtenances, from a dwelling or other building in the state where same were installed or attached.
(Marr's Supp. 1926, p. 375; [Act 154, 1918])

c. Cutting down or removing for sale timber on state lands; on free school land of the state.
(Marr's Rev. Stats. 1915, Vol. I, Secs. 1819, 1821)

(9) Stealing or breaking or opening any box, etc., with intent to steal any goods, etc., while in transit between consignor and consignee. (Marr's Supp. 1926, p. 378; [Act 211, 1920])

(10) Carrying or floating away, etc., trees or timber growing or lying on land of another or in the water on land of another.
(Marr's Rev. Stats. 1915, Vol. I, Sec. 1811)

(11) Defacing or altering brands on logs or timber lying in waters of the state, or on shores thereof. (Sec. 1814)

(12) Electricity, gas, water.
(Marr's Supp. 1926, p. 372; [Act 208, 1916, Secs 1, 2]; p. 373; [Act 63, 1921, Sec. 1]; Acts 116, 117, 1926, pp. 179, 182)

(13) Court record, etc., or record in a criminal proceeding; notarial record. (Marr's Rev. Stats. 1915, Vol. I, Secs. 1987, 1988, 1990)

(14) Injuring drainage or irrigation canal, with intent to steal or take water. (Secs. 1844, 1868)

(15) Stealing, etc., journal brasses, fixtures or attachments from locomotives, tenders, freight or passenger cars.
(Marr's Supp. 1926, p. 376; [Acts 249, 1916])

(16) Property from automatic vending machines, by fraudulent operation thereof. (Acts 1928, No. 75, Sec. 1, p. 74)

(17) All attempts.

Omit

(1) Maliciously removing journal brasses, fixtures or attachments from locomotives, tenders, freight or passenger cars. [See (15) above]. (Marr's Supp. 1926, p. 376; Act 249, 1916)

(2) Owner of mortgaged movable property carrying same permanently beyond the state without written consent.
(Marr's Supp. 1926, p. 398; [Act 119, 1924])

(3) Unauthorized use: unlawfully or maliciously taking and riding, driving or otherwise working any horse, mule, etc., of another without consent.
(Marr's Rev. Stats. 1915, Vol. I, Sec. 1710)
Note: This offense is not included in horse-stealing. State v. Gouvernale, 112 La. 956; State v. Fruge, 106 La. 694.

(4) Enlisted men appropriating government or state property from armory. (Sec. 2217)

(5) Refusing to deliver or converting to own use cotton salvaged from waters of the state. (Sec. 1741)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)

(2) All attempts.

Omit

(1) Taking and using the automobile of another without consent of owner. (Marr's Supp. 1926, p. 75; [Act 91, 1920])
Note: Omit only cases where no intent to steal appears.

(2) Refusing or neglecting to return leased motor vehicle as agreed. (Act 187, 1926, p. 295)

MAINE

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Sixth Revision of the Revised Statutes of the State of Maine, 1916.
Laws of 1917, 1919, 1921, 1923, 1925, 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: killing a human being with malice aforethought, either express or implied. (Rev. Stats. 1916, Ch. 120, Sec. 1)
(2) Death resulting from the wilful and malicious obstruction of a railroad. (Sec. 5)
(3) Death by dueling. (Sec. 7)
(4) Manslaughter: the unlawful killing of a human being in the heat of passion, on sudden provocation, without express or implied malice aforethought, or, being under the legal duty to care and provide for any child or other person, wilfully failing to provide necessary food, clothing, treatment for the sick, or other necessities of life, thereby causing or hastening death, or the commission of manslaughter by common law. (Sec. 2)
Note: Manslaughter at common law is the unlawful killing of another without malice, express or implied, either voluntary, in the heat of passion and upon sudden provocation, or involuntary, in the commission of some unlawful act not amounting to a felony or while doing some lawful act in an unlawful manner. Smith v. State (1851) 33 Me. 48; State v. Conley (1854) 39 Me. 78; State v. Pond (1926) 125 Me. 453.
(5) Death resulting from careless shooting while on a hunting trip. (Sec. 3)
(6) Death resulting from the ignorant and negligent operation of a steamboat. (Sec. 6)

2. RAPE

(1) Ravishing and carnally knowing any female of 14 or more years of age, by force and against her will, or unlawfully and carnally knowing and abusing a female child under the age of 14. (Sec. 16)
(2) Being more than 18 years of age and having carnal knowledge of the body of any female child between the ages of 14 and 16. (Sec. 27, amended Acts 1917, Ch. 106, Sec. 27, p. 82)
(3) Assault on a female 14 or over with intent to commit rape; same, female child under 14. (Sec. 22)
(4) All attempts.

3. ROBBERY

(1) Feloniously stealing and taking from the person of another, by force and violence, or by putting in fear, property that is the subject of larceny. (Sec. 15)
(2) Assault with intent to commit robbery. (Sec. 23)
(3) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder, kill or maim, armed with a dangerous weapon; when not so armed. (Sec. 23)
(2) With malicious intent to maim or disfigure, cutting or maiming the tongue, putting out or destroying of an eye, cutting or tearing off an ear, cutting, slitting or mutilating the nose or lip, or cutting off or disabling a limb or other member of another person. (Sec. 14)
(3) Endangering life by the wilful and malicious obstruction of railroads. (Sec. 5)
(4) Dueling. (Sec. 10)
(5) All attempts.

Omit

(1) Unlawfully attempting to strike, hit, touch or do any violence to another however small, in a wanton, angry and insulting manner, having an intention and existing ability to do so. (Sec. 26)
(2) Same, effected. (Sec. 26)
(3) Assault with intent to commit robbery. [See Robbery (2).] (Sec. 23)
(4) Assault with intent to commit burglary. [See Burglary (5).] (Sec. 23)
(5) Assault with intent to commit rape. [See Rape (3).] (Sec. 22)
(6) Any other assault with intent to commit a felony. (Sec. 24)
(7) Seconding a duel, aiding, advising, sending or delivering a challenge to duel; accepting a challenge or aiding a duel; leaving state to evade dueling laws; posting for refusal to duel. (Secs. 10, 11, 12, 13)
(8) Death by dueling. [See Felonious Homicide (3).] (Sec. 7)
(9) Without assault, attempting to murder or kill another by any means. (Sec. 25)
(10) Wounding from careless shooting on hunting trip. (Sec. 3)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering in the night time, with intent to commit a felony, or having entered with such intent, breaking in the night time, a dwelling house, any person being then lawfully within. (Ch. 121, Sec. 6)
(2) Breaking and entering in the day time, or entering without breaking in the night time, with intent to commit a felony any dwelling house, or breaking and entering any office, bank, shop, store, warehouse, vessel, railroad car of any kind, or building in which valuable things are kept, any person being lawfully therein and put in fear. (Sec. 7)
(3) Breaking and entering, by day or night, with intent to commit crime, any building, inhabited or not, and opening or attempting to open any vault, safe or other secure place by the use of explosives. (Laws 1929, Ch. 244, Sec. 1, p. 206)
(4) Breaking and entering any bank, shop, barn, stable, vessel, railroad car, jail, academy or other building for public use or in which valuable things are kept and committing larceny therein. (Rev. Stats. 1916, Ch. 122, Sec. 2)
(5) Assault with intent to commit burglary. (Ch. 120, Sec. 23)
(6) All attempts.
(7) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession of burglar's tools. (Ch. 121, Sec. 6)
(2) Larceny in the night time from a dwelling house, without breaking. [See Larceny (4).] (Ch. 122, Sec. 2)

6. LARCENY—THEFT (except auto theft)

(1) Stealing, taking and carrying away of the property of another, money, goods or chattels, or any public record, bank bill or note or instrument in writing, etc. (Sec. 1)
(2) Larceny of property of value exceeding $100. (Sec. 1)
(3) Larceny of property of value not exceeding $100. (Sec. 1)
(4) Larceny in the night time, committed without breaking in a dwelling house or building adjoining or occupied therewith. (Sec. 2)
(5) Larceny in a building on fire or of property removed on account of alarm of fire. (Sec. 3; Ch. 30, Sec. 11)
(6) Larceny from the person. (Ch. 122, Sec. 4)
(7) Taking, with felonious intent, any beast or bird ordinarily kept in a state of confinement and not the subject of larceny at common law. (Sec. 7)
(8) Stealing any domestic animal or dog. (Ch. 129, Sec. 1)
(9) Diversion of water, electricity or gas. (Secs. 5, 11)
(10) Taking, carrying away or otherwise converting logs, lumber, masts or spars of another, or any railroad sleeper, ship timber or cedar lumber, on waters or shores, or altering or destroying marks thereon, with intent to claim same. (Ch. 47, Secs. 1, 2, 9)
(11) Cutting down, severing or destroying shrub or tree, or produce or anything attached to the land of another, belonging to another; or entering cultivated land of another with intent to take, carry away, destroy or injure trees, grain, fruit, vegetables, turf, soil, etc., or cutting down, digging up or carrying away same, or any timber or wood; or carrying away from any wharf goods of another, not having an interest in same. (Ch. 129, Secs. 17, 19, 21, 23)
(12) Entering land of another to capture swarm of bees, or removing honey from same, without consent of owner. (Laws 1929, Ch. 184, Sec. 1, p. 148)
(13) All attempts.

Omit

(1) Breaking and entering, day or night, any building other than a dwelling house and committing larceny therein. [See Burglary (4).] (Rev. Stats. 1916, Ch. 122, Sec. 2)
(2) Receiving property by false personation. (Sec. 6)
(3) Embezzlement or fraudulent conversion as larceny. (Secs. 8, 10)
(4) Unauthorized use:
  a. Unlawfully taking away any horse, saddled or harnessed or attached to a vehicle, with intent to injure the owner. Not applicable to taking with intent to steal. (Ch. 129, Secs. 2, 3)
  b. Taking or using any boat or vehicle in any other case, or any horse or draft animal of another, without consent, or hiring and using same in excess of any contract. Not applicable to taking with intent to steal. (Sec. 3)
(5) Wilfully and maliciously taking or removing waste or packing from journal box of locomotive, tender, car, etc. (Sec. 8)
(6) Cutting away, loosing, etc., any boom, raft of logs or boat of another, without consent. (Sec. 14)

(7) Fraudulent admission to agricultural or horticultural society exhibition; or fraudulently obtaining premium offered. (Ch. 34, Sec. 27)

7. **AUTO THEFT**

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)

(2) All attempts.

Omit

(1) Using a motor vehicle without authority from its owner. (Laws 1921, Ch. 211, Sec. 72, p. 234, amended Laws 1929, Ch. 327, Sec. 17, p. 339)

(2) Taking or using any vehicle (other than with horse attached) without consent, or hiring and using same in excess of contract. Not applicable to taking with intent to steal. (Rev. Stats. 1916, Ch. 129, Sec. 3)

MARYLAND

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Annotated Code of Maryland, 1924, by G. P. Bagby.
1929 Supplement.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: murder perpetrated by means of poison, or lying in wait, or by any kind of wilful, deliberate and premeditated killing. (Ann. Code, 1924, Vol. I, Art 27, Sec. 397)
(2) First degree: murder committed in perpetration of or attempt to perpetrate any arson. (Sec. 398)
(3) First degree: murder committed in burning or attempting to burn any barn, tobacco house, stable, etc., or other outhouse, not parcel of any dwelling house, having therein any tobacco, hay, grain, horses, cattle, goods, wares, or merchandise. (Sec. 399)
(4) First degree: murder committed in perpetration of or attempt to perpetrate any rape, sodomy, mayhem, robbery or burglary. (Sec. 400)
(5) Second degree: all other kinds of murder. (Sec. 401)
(6) Death from intentionally obstructing, etc., any railroad. (Sec. 459)
(7) Death from fighting a duel with deadly weapons. (Sec. 123)
(8) Manslaughter: penalty clause. (Sec. 354)
Note: Manslaughter is not defined by statute. The offense is the same as at common law, viz., the unlawful killing of one human being by another, without malice, express or implied. Weighorst v. State (1855) 7 Md. 442.

2. RAPE

(1) Penalty clause. (Sec. 466)
Note: Rape is not defined by statute. The common law definition, viz., that rape is the unlawful carnal knowledge of a woman, forcibly and against her will, is the law of this state. See Hill v. State (1923) 143 Md. 358.
(2) Carnally knowing and abusing any woman child under the age of 14, or knowingly carnally knowing and abusing any woman who is an imbecile or insane, of any age whatever. (Sec. 467)
(3) Any person carnally knowing any female not his wife, between ages of 14 and 16. Section not applicable to male persons under 18. (Sec. 468)
(4) Assault with intent to have carnal knowledge of a female child under 14; assault with intent to commit a rape. (Sec. 17)
(5) All attempts.

Omit

(1) Transportation of any female by any means with intent to violate sections 466, 467, 468. (Sec. 469)

3. ROBBERY

(1) Penalty clause. (Sec. 481)
Note: Robbery is not defined by statute. In such case the common law definition of the offense applies. See 12 C. J. 196; Md. Constit., Art. 5; Coomes v. Clements

(1819) 4 Harr. & J. 480; State v. Buchanan (1821) 5 Harr. & J. 317; Smith v. State (1848) 6 Gill 425. Robbery, by common law, is larceny from the person, accompanied by violence or putting in fear. Bouvier's Law Dictionary, N. Y. 1928.

(2) Robbery with deadly weapon. (1929 Supp., Sec. 481A)
(3) Robbery of any bond, bill of exchange, bank notes, etc. (Ann. C. 1924, Sec. 320)
(4) Assault with intent to commit robbery. (Sec. 17)
(5) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder. (Sec. 17)
(2) Unlawfully shooting at, stabbing, wounding, beating, etc., any person with intent to maim, disfigure, etc. (Sec. 353)
(3) Attempting to poison another. (Sec. 454)
(4) Dueling. (Sec. 123)
(5) Cutting out or disabling the tongue, putting out an eye, slitting the nose, cutting or biting off the nose, ear, or lip or cutting or biting off or disabling any limb or member of any person of malice aforethought with intention in so doing to mark or disfigure such person. (Sec. 352)
(6) Mayhem or tarring and feathering. (Sec. 351)
(7) Obstruction of railroads, etc. (Secs. 462, 463, 458)
(8) All attempts.

Omit

(1) Clinging, climbing, jumping, etc., upon any part of locomotive, engine, etc. (Sec. 460)
(2) Shooting at, throwing at, or causing to fall against a car, engine, etc., any wood, stone, etc. (Sec. 464)
(3) Throwing bottle, wood, stone, etc., out of a train. (Sec. 465)
(4) Brutal assault and beating wife. (Sec. 15)
(5) Resisting, striking or menacing any collector in the discharge of his duty, etc. (Sec. 70)
(6) Defiling water of well. (Sec. 455)
(7) Death from obstructing railroads. [See Felonious Homicide (6).] (Sec. 459)
(8) Leaving state to evade dueling law. (Sec. 124)
(9) Death by dueling. [See Felonious Homicide (7).] (Sec. 123)
(10) Assault with intent to commit rape. [See Rape (4).] (Sec. 17)
(11) Assault with intent to rob. [See Robbery (4).] (Sec. 17)

5. BURGLARY—BREAKING OR ENTERING

(1) Penalty clause. (Sec. 35)
Note: Burglary is not defined by statute. The common law definition, viz., that burglary is the breaking and entering in the night time the dwelling house of another with intent to kill or commit some other felony therein, whether such felonious intent be executed or not, is the law of this state. Robinson v. State (1879) 53 Md. 151; Bowser v. State (1920) 136 Md. 342.
(2) Breaking a dwelling house in the day time with intent to commit murder or felony therein, or breaking a storehouse, warehouse, or other outhouse in the day or night with an intent to commit murder or felony therein. (Sec. 36)
(3) Breaking into any shop, storehouse, tobacco house or warehouse, although not contiguous to or used with any mansion

house, and stealing any money, goods, or chattels to the value of $1.00 or upwards. (Sec. 37)

(4) Same, of money, goods, or chattels under the value of $1.00. (Sec. 319)

(5) Breaking and entering, by day or night, any building, inhabited or not, and opening or attempting to open any vault, safe, or other secure place by the use of explosives. (Sec. 38)

(6) Breaking into or entering by force or otherwise any railroad car with intent to steal any money, goods, or chattels therein. (Sec. 104)

(7) All attempts, including assault with intent to commit burglary.

(8) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Breaking into or entering by force any railroad car. (Sec. 105)
Note: No intent specified.

(2) Breaking open or entering into any railroad car, with intent maliciously to injure or destroy same or goods and chattels therein. (Sec. 102)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the wrongful taking and carrying away of the chattels of another with felonious intent to convert them to the taker's own use, or to deprive the owner of his ownership therein, is the law of this state. Worthington v. State (1882) 58 Md. 403; Canton Bank v. American Bonding Company (1909) 111 Md. 41; Stansbury v. Luttrell (1927) 152 Md. 553.

(2) Larceny of property of value of $5.00 or upwards. (Sec. 318)

(3) Petit larceny: feloniously stealing the goods of another under the value of $5.00. (Sec. 319)

(4) Obligation or bond, bill obligatory, etc., or will or testamentary instrument. (Sec. 320)

(5) Buoys. (Sec. 321)

(6) Corn, willows, melons, fruit and vegetables. (Sec. 322)

(7) Dogs. (Sec. 323)

(8) Horse, ass or mule; other animals, vehicles or property whatsoever from premises of another. (Secs. 326, 327)

(9) Metallic check entitling employee to payment. (Sec. 328)

(10) Pipe, water or gas fixtures or any article attached to any building. (Sec. 329)

(11) Ship or vessel of 17 feet keel or upwards. (Sec. 330)

(12) Tobacco plants growing and belonging to another. (Sec. 331)

(13) Electric current, water, gas. (Secs. 106, 112, 179, 180, 180A)

(14) Book, map, picture, etc., of public or circulating library. (Sec. 100)

(15) Will, patent, deed or assignment. (Sec. 126)

(16) Fish from any boat, line box or net. (Sec. 150)

(17) Taking and carrying away, or cutting down or destroying any growing tree, or vine, plant, vegetable, fruit or grain, or fencing, cordwood or hoop poles; or flowers, turf, timber, etc., on land of another. (Secs. 98, 525)

(18) All attempts.

Omit

(1) Breaking into shop, etc., although not contiguous to or used by any mansion house, and stealing any money, goods or chattels under value of $1.00. [See Burglary (4).] (Sec. 319)

(2) Larceny of goods, wares, and merchandise entrusted to be manufactured. (Sec. 324)
(3) Embezzlement as larceny. (Sec. 129)
(4) Obtaining property by false pretenses. (Sec. 139)
(5) Wilfully or maliciously taking or removing waste, packing or journal brass of journal boxes of locomotive, tender, car, etc. (Sec. 107)

7. AUTO THEFT

(1) Stealing any motor vehicle; taking same from premises of another. (Secs. 326, 327)
Note: Include here only cases where intent to steal appears.
(2) All attempts.

Omit

(1) Taking and carrying away any vehicles, including motor vehicles, from premises of another, although only for *present* use and not with intent of appropriating and converting same. (Sec. 327)
(2) Unauthorized operation or occupation of motor vehicle by chauffeur or other person in owner's absence, without his consent. (Art. 56, Sec. 201)
Note: Omit only cases where no intent to steal appears.
(3) Hiring motor vehicle with intent to defraud, by trick, false representation, token, writing or false personation. (1929 Supp., Art. 27, Sec. 187-D)
Note: Omit only cases where no intent to steal appears.
(4) Abandoning hired motor vehicle, or refusing or neglecting to return same. (Sec. 187-E)
Note: Omit if original obtaining of possession was lawful.
(5) Operating hired motor vehicle, without consent of owner or agent. (Sec. 187-G)

MASSACHUSETTS

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
General Laws of the Commonwealth of Massachusetts, 1921.
Massachusetts Cumulative Statutes (Michie) 1927; and Supplement 1928.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: murder committed with deliberately premeditated malice aforethought, or with extreme atrocity or cruelty, or in the commission or attempted commission of a crime punishable with death or imprisonment for life. (Gen. Laws 1921, Vol. 2, Ch. 265, Sec. 1)

(2) Second degree: murder which does not appear to be in the first degree. (Sec. 1)

Note: The common law definition, viz., that murder is the killing of any person in the peace of the commonwealth, with malice aforethought, either express or implied by law, is the law of this state. Com. v. Webster (1850) 59 Mass. 295; Com. v. Desmarteau (1860) 82 Mass. (16 Gray) 1; Green v. Com. (1866) 94 Mass. (21 Allen) 155; Com. v. Gardner (1858) 77 Mass. (11 Gray) 438; Com. v. Tucker (1905) 189 Mass. 457.

(3) Manslaughter: penalty clause. (Sec. 13)

Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, either voluntary, through the violence of sudden passion, occasioned by some great provocation, or involuntary, in the commission of some unlawful act, without intention to take life, is the law of this state. Com. v. Webster (1850) 59 Mass. 295; Com. v. Parsons (1907) 195 Mass. 560.

Omit

(1) Death within the commonwealth from a duel fought outside the commonwealth by previous appointment made within. (Sec. 3)

2. RAPE

(1) Ravishing and carnally knowing a female by force and against her will. (Sec. 22)

(2) Unlawfully and carnally knowing and abusing a female child under 16. (Sec. 23)

(3) Assaulting a female with intent to commit rape. (Sec. 24)

(4) All attempts.

3. ROBBERY

(1) Being armed with a dangerous weapon and assaulting another and robbing, stealing and taking from his person money or other property which may be the subject of larceny, with intent if resisted to kill or maim the person robbed, or being so armed, wounding or striking the person robbed. (Sec. 17)

(2) Not being armed with a dangerous weapon, and by force and violence, or by assault and putting in fear, robbing, stealing and taking from the person of another money or other property which may be the subject of larceny. (Sec. 19)

(3) Being armed with a dangerous weapon and assaulting another with intent to rob. (Sec. 18)
(4) Not being armed with a dangerous weapon and assaulting another with force and violence and with intent to rob or steal. (Sec. 20)
(5) With intent to commit larceny or any felony, confining, maiming, injuring or wounding, or attempting or threatening to kill, confine, maim or wound, or putting any person in fear, for the purpose of stealing from a building, bank, safe, vault or other depository of money, bonds or other valuables, or by intimidation, force, or threats, compelling or attempting to compel any person to disclose or surrender the means of opening any building, bank, safe, vault or other depository of money, bonds, or other valuables. (Sec. 21)
(6) All attempts.

Omit

(1) Attempting to, or breaking, burning, blowing up or otherwise injuring or destroying any safe, vault, etc. [See Burglary (7).] (Sec. 21)

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder, maim, or disfigure. (Sec. 15)
(2) Assault, being armed, with intent to murder. (Sec. 18)
(3) Assault and battery with a dangerous weapon. (1928 Supp. Cumulative Stats., Ch. 265, Sec. 15A)
(4) Attempted murder by poison, strangulation, drowning. (Gen. Laws 1921, Vol. 2, Ch. 265, Sec. 16)
(5) Poisoning springs, etc. (Sec. 28)
(6) With malicious intent to maim or disfigure, cutting out tongue, eye, ear, nose, or cutting off or disabling a member. (Sec. 14, amended Cum. Stats. 1927)
(7) Dueling. (Sec. 6)
(8) Throwing explosives into buildings or putting near dwellings, offices, shops, railroads, or vessels, etc., with intent to destroy or injure same or any person therein. (Ch. 266, Sec. 102)
(9) All attempts.

Omit

(1) Shooting, throwing, etc., at trains or at persons operating same. (Ch. 159, Sec. 104)
(2) Attempting to procure abortion. (Ch. 272, Sec. 19)
(3) Challenging to duel or sending or delivering a challenge; accepting or carrying or delivering a challenge to duel; posting another for refusal to duel. (Ch. 265, Secs. 6, 7, 8)
(4) Death by dueling. [See Felonious Homicide Omit (1).] (Sec. 3)
(5) Assault with intent to commit rape. [See Rape (3).] (Sec. 24)
(6) Assault with intent to commit robbery. [See Robbery (3), (4).] (Secs. 18, 20)
(7) Attempted murder by any means not constituting assault with intent to murder. (Sec. 16)
(8) Assault with intent to commit a felony. [See Burglary (9).] (Sec. 29)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering a dwelling house in the night time with intent to commit a felony, or after having entered with such intent, breaking such dwelling house in the night time, any person being then lawfully within, and the offender being

armed with a dangerous weapon or so arming himself in such house, or making an actual assault on a person lawfully therein. (Ch. 266, Sec. 14)

(2) Same, the offender not being armed, nor arming self, nor making an actual assault on a person. (Sec. 15)

(3) Breaking and entering a building, ship or vessel in the night time with intent to commit a felony. (Sec. 16)

(4) Breaking and entering in the day time or entering without breaking in the night time, a building, ship or vessel with intent to commit a felony, the owner or any person lawfully therein being put in fear. (Sec. 17)

(5) Entering a dwelling house without breaking in the night time, or breaking and entering in the day time a building, ship or vessel, with intent to commit a felony, no person lawfully therein being put in fear. (Sec. 18)

(6) Breaking and entering, or entering in the night time without breaking, a railroad car, with intent to commit a felony. (Sec. 19)

(7) Attempting to, or actually breaking, burning, blowing up or otherwise injuring or destroying a safe, vault or other depository of money, bonds or other valuables in any building or place, with intent to commit larceny or any felony. (Ch. 265, Sec. 21)

(8) Unlawfully entering any house or hut of the Humane Society and removing or carrying away any property belonging to said society. (Ch. 266, Sec. 133)

(9) Assault with intent to commit burglary. (Ch. 265, Sec. 29)

(10) All attempts.

(11) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession and repair of burglars' tools, etc. (Ch. 266, Sec. 49)

6. **LARCENY—THEFT (except auto theft)**

(1) Stealing the money or personal chattel of another. [See **Omit** (1).] (Sec. 30)

Note: Include here only cases that would have constituted larceny prior to the merging under the statute of the three offenses of larceny, embezzlement and obtaining by false pretenses into the one crime of larceny. Larceny as distinguished from these cognate offenses is defined to be the felonious taking and carrying away of the property of another, with intent to convert it to the taker's use. See Com. v. King (1909) 202 Mass. 379; Com. v. McDonald (1905) 187 Mass. 581; Com. v. James (1823) 18 Mass. (1 Pick.) 375; Com. v. Adams (1856) 73 Mass. (7 Gray) 43; Com. v. Barry (1878) 124 Mass. 325.

(2) Larceny of property of value exceeding $100. (Sec. 30)

(3) Larceny of property of value not exceeding $100. (Sec. 30)

(4) Larceny of property from conveyance of a common carrier or express business. (Sec. 30)

(5) Stealing in a building, ship, vessel or railroad car. (Sec. 20)

(6) Stealing in a building which is on fire, or property removed in consequence of alarm of fire. (Secs. 23, 24)

(7) Stealing from the person. (Sec. 25)

(8) Larceny of a bank note, bond, promissory note, bill, deed, etc. (Sec. 26)

(9) Tools of any contractor, builder or mechanic from any building. (Sec. 27)

(10) Parts or accessories from automobile or motor cycle taken without authority of owner. (Cum. Stats. 1927, Ch. 266, Sec. 28)
(11) Will, codicil or other testamentary instrument. (Gen. Laws, 1921, Vol. 2, Ch. 266, Sec. 39)
(12) Bicycle of value exceeding $10, if second offense. (Sec. 41)
(13) Larceny of paper designed for bank bills, with intent to injure or defraud by uttering or passing same. (Sec. 42)
(14) Taking and carrying away, by a trespass with intent to steal, anything which is parcel of the realty or annexed thereto, being the property of another, of value, and taken against his will. (Secs. 44, 45)
(15) Any domesticated animal, or a beast or bird which is ordinarily kept in confinement and is not the subject of larceny at common law. (Sec. 46)
(16) A licensed dog. (Sec. 47)
(17) Cutting down or destroying timber or wood standing or growing on land of another, or carrying away wood cut or lying thereon, or stone, ore, gravel, turf, etc., or roots, nuts, berries, fruit or any plant, or cutting down or carrying away grass, hay or corn growing or being thereon, or flowers or shrubs; or carrying any goods, not having an interest or property in same, from any wharf or landing place; severing produce or anything attached thereto from the freehold of another; or entering an orchard and stealing, taking and carrying away any fruit or flower; or entering with intent to cut and take same, or grain, trees, or vegetables. (Secs. 113, 114, 115, 117)
(18) All attempts.

Omit

(1) Obtaining property by false pretense, with intent to defraud, or unlawfully, with intent to steal or embezzle, converting or secreting the money or personal chattel of another. [See (1) above.] (Sec. 30)
(2) Other embezzlement or fraudulent conversion or false pretense as larceny. (Secs. 23, 32, 33, 34, 36, 37, 38, 43, 55, 58, 59, 75, and Cum Stats. 1927, Ch. 266, Sec. 52)
(3) Unauthorized use: taking or using, driving or riding any boat, vehicle or draft animal of another without consent. Not applicable to property taken with intent to steal. (Gen. Laws, 1921, Vol. 2, Ch. 266, Sec. 63)

7. AUTO THEFT

(1) Stealing an automobile or motor cycle. (Cum. Stats. 1927, Ch. 266, Sec. 28)
(2) All attempts.

Omit

(1) Operating automobile or motor cycle without authority of owner after suspension or revocation of license and prior to restoration of right to operate., (Sec. 28)
(2) Taking or using, or driving any vehicle of another without consent. Not applicable to property taken with intent to steal. (Sec. 63)
(3) Using a motor vehicle without authority, knowing that such use is unauthorized. (Gen. Laws 1921, Vol. I, Ch. 90, Sec. 24, amended 1928 Supp. Cum. Stats.)

MICHIGAN

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Compiled Laws of Michigan, 1915.
By Shields, Black and Broomfield.
Cahill: Annotated Supplement, 1922.
Public Acts, Michigan, 1923, 1925, extra session 1926, 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: all murder perpetrated by means of poison, or lying in wait, or any other kind of wilful, deliberate and premeditated killing; or committed in the perpetration of or attempt to perpetrate any arson, rape, robbery or burglary. (Comp. Laws 1915, Vol. 3, Sec. 15192)

(2) First degree: death within the state from duel fought within the state. (Sec. 15195)

(3) Second degree: all other kinds of murder. (Sec. 15193)

Note: The common law definition, viz., that all unlawful killing done with malice aforethought is murder, is the law of this state. People v. Scott (1859) 6 Michigan 287; People v. Potter (1858) 5 Michigan 1; Nye v. People (1876) 35 Michigan 16.

(4) Death caused by placing gunpowder or other explosive in, near, etc., any building, car, vessel or structure with intent to destroy or injure same. (Pub. Acts 1927, No. 119, Sec. 3, p. 163)

(5) Manslaughter: penalty clause. (Comp. Laws 1915, Vol. 3, Sec. 15201)

Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, express or implied, and may be either voluntary or involuntary, is the law of this state. Tyler v. People (1860) 8 Michigan 319; People v. Lilley (1880) 43 Michigan 521; People v. Rogulski (1914) 181 Michigan 481.

(6) Death of mother from administering medicine, etc., to procure abortion, unless necessary to preserve her life or advised by two physicians to be necessary. (Sec. 15224)

(7) Killing of any person by firing of a spring gun or device set and left without a competent person present. (Sec. 15250)

(8) Death occasioned by the unlawful transportation of explosives. (Sec. 15258)

(9) Death caused by the discharge of any firearm pointed or aimed at any person intentionally, but without malice. (Sec. 15234)

(10) Death caused by operation of any vehicle at an immoderate rate of speed or in a careless, reckless or negligent manner, but not wilfully or wantonly. (Supp. 1922, Sec. 15226[2])

Omit

(1) Death within the state from duel fought without the state. (Comp. Laws 1915, Vol. 3, Sec. 15195)

(2) Death of unborn quick child by administering drug, etc., to mother. (Sec. 15224)

(3) Wilful killing of an unborn quick child by injury to mother which would be murder in case of death of mother. (Sec. 15223)

2. RAPE

(1) Ravishing and carnally knowing any female of 16 years or more, by force and against her will, or unlawfully and carnally knowing and abusing any female under the full age of 16. (Sec. 15211)
(2) Person giving female medical treatment and representing that sexual intercourse will benefit her health, thereby inducing her to have sexual intercourse with any man, or any man not her husband having sexual intercourse with her by reason of such representation. (Sec. 15505)
(3) Ravishing or carnally knowing and abusing any female patient in state or county institution for the insane or feebleminded. (Sec. 15506)
(4) Guardian or other person having care of female under 18, carnally knowing her while she is in such care. (Supp. 1922, Sec. 15226[1])
(5) Assault with intent to commit rape. (Comp. Laws 1915, Vol. 3, Sec. 15212)
(6) All attempts.

Omit

(1) Ravishing or carnally knowing and abusing female patient in institution for epileptics. [See Rape (3).] (Sec. 15506)
(2) Female over 15 debauching boy under 15. (Sec. 15509)
(3) Male person over 16 assaulting a female child under 16 and taking indecent liberties with her person without committing or attempting to commit rape. (Sec. 15503, amended Pub. Acts 1927, No. 41, p. 53)

3. ROBBERY

(1) Assaulting another and feloniously robbing, stealing and taking from his person any money or other property which may be the subject of larceny, such robber being armed with a dangerous weapon or one which the person assaulted reasonably believes to be such, with intent, if resisted, to kill or maim the person robbed; or being so armed and wounding or striking the person robbed. (Sec. 15206, amended Pub. Acts 1927, No. 374, Sec. 1, p. 895)
(2) Not being armed and by force and violence, or assault or putting in fear, feloniously robbing, stealing and taking from the person of another money or other property the subject of larceny. (Sec. 15208)
(3) Feloniously assaulting another with intent to rob or steal any money or property which may be the subject of larceny, such robber being armed with a dangerous weapon or one which the person assaulted reasonably believes to be such, with intent, if resisted, to kill or maim the person assaulted; or being so armed and wounding or striking the person assaulted. (Sec. 15206, amended Pub. Acts 1927, No. 374, Sec. I, p. 895)
(4) Being armed with a dangerous weapon and assaulting another, with intent to rob and steal. (Sec. 15207, amended Pub. Acts 1927, No. 374, Sec. 2)
(5) Not being armed and assaulting another with force and violence and with intent to rob and steal. (Sec. 15209)
(6) Robbing any person detained or injured by accident or injury to railroad. (Sec. 15389)
(7) Confining, maiming, injuring or wounding, or attempting same, or putting in fear any person for the purpose of stealing money, bonds or other valuables from any building, bank, safe or other depository; or by intimidation, fear or threats compelling any person to disclose the means of opening same. [See Burglary (5).] (Sec. 15229)

(8) Wilfully and maliciously by intimidation or threat with firearms, explosives or other devices, stopping, etc., a railroad train for the purpose of wrecking or robbing same or its passengers or employees. (Sec. 15400)
(9) Entering any railroad train with intent to rob, by intimidation or threat. (Sec. 15401)
(10) All attempts.

Omit

(1) Stealing property of any person detained, etc., by railroad accident; robbing person killed. [See Larceny (8).] (Sec. 15389)
(2) Stealing, or maliciously removing or interfering with journal bearings or brasses or railroad attachments, etc. [See Larceny (11).] (Supp. 1922, Sec. 15402[1])
(3) Possession of journal brasses, etc. (Sec. 15402[2])
(4) Attempting to break, blow up or otherwise injure or destroy any safe, vault, etc., in any building or place, with intent to commit larceny or any felony. [See Burglary (5).] (Comp. Laws 1915, Vol. 3, Sec. 15229)

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder. (Sec. 15205)
(2) Assault with intent to maim. (Sec. 15203)
(3) Attempting to murder by poison, drowning, strangulation, etc. (Sec. 15204)
(4) Assault with a gun, etc. (Sec. 15228)
(5) Poisoning food, drink, etc. (Sec. 15218)
(6) Dueling. (Sec. 15198)
(7) With malicoius intent to maim or disfigure, cutting out or maiming the tongue, putting out or destroying an eye, cutting or tearing off an ear, cutting, slitting or mutilating the nose or lip, or cutting off or disabling a limb or member of any other person. (Sec. 15202)
(8) Assault with intent to do great bodily harm, less than murder. (Sec. 15227)
(9) Sending, etc., explosive substance with intent to disfigure, disable, etc., another. (Sec. 15231)
(10) Assault by explosives. (Pub. Acts 1927, No. 119, p. 163, Sec. 3)
(11) All attempts.

Omit

(1) Assault; assault and battery. (Comp. Laws 1915, Vol. 3, Sec. 15220, amended Pub. Acts 1929, No. 54, p. 95)
(2) Aiding or abetting or conspiring to aid or abet the act of placing gunpowder or explosive near building, etc., or possessing a bomb, etc., with intent to unlawfully use, etc. (Pub. Acts 1927, No. 119, p. 163, Secs. 4, 5)
(3) Accepting or delivering a challenge to duel; posting for failure to duel; seconding a duel. (Comp. Laws 1915, Vol. 3, Secs. 15196, 15198, 15199, 15200)
(4) Death by dueling. [See Felonious Homicide (2), Felonious Homicide **Omit** (1).] (Sec. 15195)
(5) Manufacturing, selling, furnishing or possessing explosives with intent to destroy life or property. (See 15354)
(6) Assaulting public officers serving process or attempting to maintain the peace. (Sec. 14994)
(7) Death caused by gunpowder, explosives, etc. [See Felonious Homicide (4).] (Pub. Acts 1927, No. 119, p. 163, Sec. 3)
(8) Assault with intent to commit burglary. [See Burglary (7).] (Comp. Laws 1915, Vol. 3, Sec. 15219)

(9) Assault with intent to commit robbery. [See Robbery (3), (4), (5), (7), (8).] (Sec. 15206, amended Pub. Acts 1927, No. 374, Sec. I, p. 895; Sec. 15207, amended Pub. Acts 1927, No. 374, p. 895, Sec. 2; Secs. 15209, 15229, 15400)
(10) Assault with intent to commit rape. [See Rape (5).] (Sec. 15212)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering in the night time with intent to commit any felony or any larceny therein, any dwelling house, tent, hotel, office, store, warehouse, factory or other building, structure, boat or any private apartment in any of such buildings. (Pub. Acts 1929, No. 13, Sec. I, p. 30)
(2) Breaking and entering in the day or entering without breaking in the day or night, any building, boat, ship, or structure kept for public or private use or any private apartment therein with intent to commit a felony or any larceny therein. (Same)
(3) Breaking and entering any building with intent to commit crime and for the purpose of committing same using or attempting to use any high explosive. (Comp. Laws 1915, Vol. 3, Sec. 15338)
(4) Breaking and entering, or entering without breaking, at any time, any outside show case or other outside enclosed container used for display of goods, with intent to commit larceny. (Sec. 15339)
(5) Attempting to break, blow up or otherwise injure or destroy any safe, vault or other depository of money, bonds or other valuables in any building or place, with intent to commit larceny or any felony. [See Robbery (7).] (Sec. 15229)
(6) Person over 17, by day or night, by aid of any device or explosive, breaking or attempting to break into any coin box or other receptacle containing any money or thing of value, or extracting or obtaining such money or thing. (Pub. Acts 1925, No. 24, p. 32)
(7) Assault with intent to commit any burglary. (Comp. Laws 1915, Vol. 3, Sec. 15219)
(8) All attempts.
(9) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing burglars' tools. (Sec. 15334)
(2) Breaking and entering, or entering without breaking any cottage, club house, boat house, lodge, garage or the outbuildings belonging thereto, whether occupied or not, without obtaining lawful permission. (Pub. Acts 1929, No. 181, p. 493)

Note: No intent specified.

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the unlawful taking and carrying away of the personal goods or property of another, without color of right and with the intention permanently to deprive the owner thereof, is the law of this state. People v. Williams (1871) 24 Michigan 176; People v. Griswold (1887) 64 Michigan 722; People v. Rogulski (1914) 181 Michigan 481; People v. Johnson (1921) 215 Michigan 221.

(2) Stealing the property of another, any money, goods, etc., deed, or writ, process or public record, where value exceeds $50.00. (Comp. Laws 1915, Vol. 3, Sec. 15298, amended Public Acts 1929, No. 222, Sec. 1, p. 527)
(3) Same, where value does not exceed $50.00. (Same)
(4) Stealing in any dwelling house, office, store, shop, warehouse, mill, factory, ship, boat or vessel. (Pub. Acts 1929, No. 179, Sec. 1, p. 492)
(5) Stealing in any building that is on fire, or property removed because of alarm of fire. (Comp. Laws 1915, Vol. 3, Sec. 15296)
(6) Stealing from the person of another. (Sec. 15297)
(7) Stealing from any car, detained by accident or injury to railroad, etc. (Sec. 15389)
(8) Stealing property of any person so detained, injured or killed by reason of such accident, etc. (Sec. 15389)
(9) Stealing any horse, mare, gelding, etc., of any value. (Sec. 15350)
(10) Taking books, maps, etc., from any library with intent to convert. (Sec. 15407)
(11) Stealing, etc., railroad attachments or appliances or fixtures. (Supp. 1922, Sec. 15402[1])
(12) Cranberries or cranberry vines, huckleberries or blackberries, fruits, vegetables or crops, fruit trees, plants, ginseng or ginseng seed or other medicinal plant, etc.; timber or wood, stone, turf, grain, etc., from land of another; entering with intent to take etc., trees, grain, fruit or vegetables. (Comp. Laws 1915, Vol. 3, Secs. 15409, 15412, 15413, 15416, 15411 as amended Supp. 1922, 15332, 15333)
(13) Cutting, removing, etc., trees, timber, etc., from land of another, of value of $25.00 or more; of value of $1.00 and under $25.00; same, from state lands. (Secs. 15417, 15418, 15556 to 15558)
(14) Carrying away without license of owner goods of value of $5.00 or more from any wharf, railroad depot or warehouse. (Sec. 15332)
Note: Include only cases where intent to steal appears.
(15) Removing logs, defacing marks or marking logs, etc., lying in waters of the state. (Vol. 2, Secs. 6664 to 6666)
(16) Removing timber or property bearing the state mark—except under a written release. (Vol. 3, Sec. 15421)
(17) Stealing, etc., arms or ammunition, military stores or equipment, in time of war. (Sec. 15107)
(18) Bonds deposited by banks in state treasury. (Sec. 15078)
(19) Public records. (Sec. 15079)
(20) Water, steam, electricity, gas, of value exceeding $25.00; of value of $25.00 or less. (Sec. 15361)
(21) All attempts.

Omit

(1) Embezzling money or goods or fraudulently using same; embezzlement by officer, servant, etc.; by warehouseman. (Secs. 15315, 15336, 15318)
(2) False personation and receiving property with intent to convert. (Sec. 15319)
(3) Person over 17 breaking into and abstracting money from coin box, etc. [See Burglary (6).] (Pub. Acts 1925, No. 24, p. 32, Secs. 1 and 2)
(4) Breaking and entering or entering without breaking any outside show case, etc., with intent to commit larceny. [See Burglary (4).] (Comp. Laws 1915, Vol. 3, Sec. 15339)
(5) Robbing any person detained or injured by reason of railroad accident. [See Robbery (6).] (Sec. 15389)

(6) Unlawfully seizing upon any locomotive, with express or mail car attached, and running away with same upon any railroad. (Sec. 15391)
(7) Renting or hiring boat and without cause leaving and abandoning same without notice. (Sec. 15356)
(8) Removing boat from fastenings moored on any lake, river or stream in the state, without owner's consent. (Sec. 15356)
(9) Unauthorized use: unhitching horse or team of another or driving same away without authority. (Sec. 15360)
(10) Procuring books, maps, etc., from any library and converting to own use. (Sec. 15407)
(11) Removing or interfering with railroad attachments or appliances or fixtures. [See (11) above.] (Supp. 1922, Sec. 15402[1])
(12) Finder of lost money, goods or stray beasts failing to report or advertise same, with intent to convert. (Comp. Laws 1915, Vol. 2, Sec. 7456)

7. AUTO THEFT

(1) Taking possession of and driving away any motor vehicle belonging to another, without authority. (Vol. 3, Sec. 15430, amended Pub. Acts 1927, No. 50, p. 62)
Note: Include here only cases where intent to steal appears.
(2) All attempts.

Omit

(1) Taking or using without authority an automobile or other motor vehicle without intent to steal same—including taking by driver employed by owner. (Sec. 15431)

MINNESOTA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Mason's Minnesota Statutes, 1927.
Session Laws, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: killing of a human being when perpetrated with premeditated design to effect the death of another (Stats. 1927, Vol. 2, Sec. 10067)

(2) Second degree: killing of a human being when committed with a design to effect the death of the person killed or of another but without deliberation or premeditation. (Sec. 10068)

(3) Second degree: death by dueling. (Sec. 10069)

(4) Third degree: killing of a human benig by an act eminently dangerous to others and evincing a depraved mind regardless of human life, although without the design to effect the death of any individual; or without a design to effect death, killing by a person engaged in the commission of or attempt to commit a felony. (Sec. 10070)

(5) Manslaughter: every case of homicide, not excusable or justifiable, other than murder in the first, second and third degree as herein defined. (Sec. 10073)

(6) First degree: killing when committed without design to effect death by a person committing or attempting to commit a misdemeanor or gross misdemeanor effecting the person or property of the person killed or another; or in the heat of passion but in a cruel or unusual manner, or by means of a dangerous weapon. (Sec. 10074)

(7) First degree: killing by shooting another with a gun or other firearm when resulting from carelessness in mistaking the person shot for a deer or other animal. (Sec. 10075)

(8) First degree: providing medicine, drug, etc., to any woman with intent to procure miscarriage unless necessary to preserve her life, whereby death occurs to the woman. (Sec. 10076)

(9) Second degree: homicide committed without design to effect death by a person committing or attempting to commit a trespass or other invasion of a private right not amounting to a crime; or in the heat of passion but not by a deadly weapon or by use of means either cruel or unusual; or by any act, procurement or culpable negligence of any person, not murder, nor manslaughter first degree. (Sec. 10078)

(10) Second degree: death caused by any act of negligence or misconduct in business or employment, or in the use or management of machinery, animals or any property intrusted to one's care or control; or by any unlawful, negligent or reckless act not specified by any other statute. (Sec. 10080)

(11) Second degree: death caused by mischievous animals wilfully or negligently suffered by the owner to run at large or kept without ordinary care. (Sec. 10081)

(12) Second degree: wilfully or negligently overloading any passenger vessel navigated for gain whereby any human being is killed. (Sec. 10082)

(13) Second degree: death resulting from the creation of an undue quantity of steam in a boiler, etc., of a steamboat or other works, from ignorance, recklessness, or gross neglect. (Sec. 10083)
(14) Second degree: death resulting from the administering of drugs, medicine, etc., by an intoxicated physician, though without design to effect death. (Sec. 10084)
(15) Second degree: death by the explosion of gunpowder, etc., made or kept in a city or village in a quantity or manner prohibited by law. (Sec. 10085)
(16) Unlawfully selling intoxicating liquor which causes the death of the person drinking same. (Sec. 10071)
(17) Setting spring guns, etc., resulting in the death of a human being. (Sec. 10505)

Omit

(1) Death from duel fought without the state by previous appointment made within. (Sec. 10069)
(2) Wilful killing of an unborn quick child by injury inflicted on mother; death of child by administering drugs, etc., to mother with intent to procure a miscarriage. (Sec. 10076)
(3) Death of child by mother submitting voluntarily to use of drug, etc., in an effort to procure a miscarriage. (Sec. 10079)

2. RAPE

(1) An act of sexual intercourse with a female, not the wife of the perpetrator, committed against her will or without her consent, or when perpetrated with a female of 10 years or upwards, not the wife of the perpetrator, when through idiocy or any unsoundness of mind, temporary or permanent, she is incapable of giving consent, or her resistance is prevented by fear of immediate and great bodily harm, or her resistence is forcibly overcome, or is prevented by stupor or weakness of mind produced by an intoxicating, narcotic, or anesthetic agent, administered by or with the privity of defendant, or she is at the time unconscious of the nature of the act and this is known to the defendant. (Sec. 10124)
(2) Carnally knowing and abusing any female child when she is under 10; when she is 10 and under 14; when she is 14 and under 18. (Sec. 10125)
(3) Assault or maiming with intent to rape. (Secs. 10090, 10097, 10098)
(4) All attempts.

Omit

(1) Taking indecent liberties, etc. (Sec. 10132, amended by Laws 1929, Ch. 27, p. 25)

3. ROBBERY

(1) The unlawful taking of personal property from the person of another or in his presence, against his will, by means of force or violence or fear of injury, immediate or future, to his person or property or to that of a relative or member of his family or any one in his company at the time. (Sec. 10101)
(2) First degree: every such unlawful taking, if accompanied by force or fear in any case specified in Section 10101, when committed by a person armed with a dangerous weapon, or by a person aided by an accomplice actually present, or when the offender, to accomplish the robbery, inflicts grievous bodily harm or injury upon the person robbed, or his spouse, parent, child, servant, member of his family or anyone in his company at the time. (Sec. 10102)

(3) Second degree: such unlawful taking in a case specified in Sections 10101 and 10102 but not under circumstances amounting to robbery in the first degree, when accomplished by the use of violence or by putting the person robbed in fear of immediate injury to his person or that of someone in his company. (Sec. 10104)
(4) Third degree: robbery under circumstances not amounting to robbery in the first or second degree. (Sec. 10105)
(5) Entering with intent to commit a felony by means of threats, force or violence, any room where a banking business is carried on, and in which there shall be at the time a human being. (Sec. 10106)
(6) Assault or maiming with intent to rob. (Secs. 10090, 10097, 10098)
(7) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill or with a loaded firearm or any other weapon, force, or means likely to produce death, or by poison. (Sec. 10097)
(2) Assault with intent to injure, by unlawfully administering poison to another, or wilfully and wrongfully wounding another with or without a weapon. (Sec. 10098)
(3) Dueling. (Sec. 10107)
(4) With intent to injure, disfigure or disable another, wilfully inflicting upon him an injury which seriously disfigures his person by any mutilation thereof, or destroys or disables any member or organ of his body, or seriously diminishes his physical vigor by the injury of any member or organ. (Sec. 10090)
(5) Injuring or obstructing railroads, etc. (Sec. 10413)
(6) All attempts.

Omit

(1) Maiming oneself for alms or to prevent performing a legal duty. (Sec. 10091)
(2) Challenging, accepting or delivering a challenge, seconding, aiding, etc., a duel; leaving state to avoid dueling laws. (Secs. 10108, 10109, 10110)
(3) Death by dueling. [See Felonious Homicide (3).] (Sec. 10069)
(4) Committing assault and battery; proprietor of place of amusement permitting pointing or discharge of pistol, etc., aiming firearm loaded or not at a human being, discharging same or throwing deadly missile. (Sec. 10266)
(5) Discharging firearm or projecting or throwing a stone or other missile at a train, car, vehicle, etc. (Sec. 10413)
(6) Throwing stone or other missile at or breaking any window therein, etc. (Sec. 10440)
(7) Assaulting or maiming another with intent to commit a felony. [See Rape (3), Robbery (6), Burglary (5).] (Secs. 10090, 10097, 10098)
(8) Assault to prevent execution of legal process. (Sec. 10098)
(9) Administering chloroform, etc., with intent to assist self or another to commit any crime. [See Rape (3), Robbery (6), Burglary (5).] (Sec. 10098)

5. BURGLARY—BREAKING OR ENTERING

(1) First degree: breaking and entering, with intent to commit some crime therein, in the night, the dwelling house of another, in which there shall be at the time a human being and being armed with a dangerous weapon or arming himself

therein, or being assisted by a confederate actually present, or assaulting any person, while engaged in the night in effecting such entrance, committing any crime in such building or in escaping therefrom. (Sec. 10314)

(2) First degree: same, adding: breaking or entering with intent to commit some crime therein any building or room or part of a building, and while therein, having in possession or making use of any dangerous explosive or burglars' tools. (Sec. 10315)

(3) Second degree: breaking and entering with intent to commit some crime therein, the dwelling of another in which there is a human being, under circumstances not amounting to burglary in the first degree; or breaking and entering with intent to commit crime therein, any room or building, whether occupied or not, or any structure wherein a banking business is carried on. (Sec. 10316)

(4) Third degree: breaking and entering, with intent to commit a crime therein a building, or any part thereof, or a room, or being in any building, committing a crime therein, and breaking out. (Sec. 10317)

(5) Assault or maiming with intent to commit burglary. (Secs. 10090, 10097, 10098)

(6) All attempts.

(7) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession, etc., of burglars' tools. (Sec. 10320)

(2) Entering a building or any part thereof, with intent to commit a felony or any malicious mischief, under circumstances not amounting to a burglary. (Sec. 10318)

6. LARCENY—THEFT (except auto theft)

(1) With intent to defraud true owner, or to appropriate to own or another's use, taking from the possession of another, any money, personal property, thing in action, evidence of debt, or contract, or article of value of any kind. [See **Omit** (1).] (Sec. 10358)

(2) Grand larceny in the first degree: taking property of any value from the person of another in the night time. Taking property of value of more than $25 from any dwelling house, etc., vessel, railway car, or any building of any kind or description, in the night time. Taking property of value of more than $500 in any manner whatsoever. (Sec. 10362)

(3) Grand larceny in the second degree: taking property of value exceeding $25 but not exceeding $500 in any manner whatever. Taking property of any value from the person of another. Taking property of any value from any dwelling house, etc., vessel or railway car or any building whatever. Taking property of less value than $25 from any dwelling house, etc., in the night time. Taking a court or public record. (Sec. 10363)
When property stolen consists of any domestic animal or fowl. (Laws 1929, Ch. 203, p. 204)

(4) Petit larceny: every larceny except in the first and second degrees as described. (Stats. 1927, Vol. 2, Sec. 10364)
When property stolen consists of any domestic animal or fowl. (Laws 1929, Ch. 203, p. 204)

(5) Larceny at fires, or of property removed in consequence of alarm of fire, where value exceeds $100, where value is $100 or less. (Stats. 1927, Vol. 2, Sec. 10375)

(6) Any fixture or part of the realty, or growing tree, plant or produce, severed at the time of taking. (Sec. 10365)
(7) Dogs. (Sec. 10366)
(8) Logs or timber from water or land of any lumber district:
a. By taking away or otherwise converting same. (Sec. 6628)
b. Changing marks thereon to conceal owner's title or putting other than owner's mark thereon. (Sec. 6628)
c. Falsely marking unbranded log, not the property of the owner of the mark. (Sec. 6626)
(9) Timber, or fruit, shade or ornamental tree on state lands or lands of another; produce or anything attached to the freehold of another or of the state; earth, soil or stone from city lot or street; shrub, tree or vine in orchard, garden, etc., or entering with intent to cut or injure; pine, cedar trees, etc., from state or private lands; monument, work of art, etc., from public or private grounds; shrub, tree, vine in parks, playground, etc. (Vol. I, Sec. 6394-32; Vol. II, Secs. 10422, 10422-1, as amended by Laws 1929, Ch. 285, p. 351, 10426, 10307, Laws 1929, Ch. 209, Sec. 13, p. 214)
(10) Opening grave, building, etc., with intent to steal coffin, attachments, etc., or other articles. (Vol. II, Sec. 10229)
(11) Taking grain or flax seed from railroad car, or sweeping such car, other than by owner or agent. (Sec. 10529)
(12) Electricity, gas, water, heat. (Sec. 10434)
(13) Falsely branding animals of another. (Sec. 10339)
(14) Public records. (Sec. 10014)
(15) Stealing state fair ground ticket. (Sec. 7883)
(16) All attempts.

Omit

(1) With intent to defraud true owner, or to appropriate to own or another's use, obtaining possession by fraudulent or false representation or pretense, or false token or writing, of any money, personal property, etc., or thing of value of any kind; or appropriating, secreting or withholding same to use of self or of another than the true owner. (Sec. 10358)
(2) Conversion by bailee, trustee, broker, carrier, consignor, corporation officer, etc.; by executor, administrator, etc. (Secs. 10358, 10369)
(3) Finding lost property under circumstances giving knowledge or means of inquiry as to the true owner and appropriating same without reasonable effort to find owner. (Sec. 10367)
(4) Contractor appropriating payments made. (Sec. 8491)
(5) Indebtedness of trust company officer. (Sec. 7740)
(6) Railroad or steamboat employee stealing, etc., ticket, coupon or pass. (Sec. 10524)
(7) Selling unlawfully, state fair ground ticket. [See above (15).] (Sec. 7883)
(8) Unauthorized use: untying or liberating horse or team of another or leading or driving it away without authority. (Sec. 10422)
(9) Warehouseman failing to re-deliver grain on surrender of receipt. (Vol. I, Sec. 5020)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Tampering with, or driving or operating or using a motor vehicle without permission of owner. (Sec. 2715)

(2) Driving, operating or using a motor vehicle without permission of owner or his agent. (Sec. 2717-1)

(3) Entering warehouse, garage or building of any kind and taking or removing for own or another's use any automobile or motor vehicle without knowledge or consent of owner. Return of same before or after discovery of loss, or taking by someone in owner's employ, is no defense in case of prosecution. (Sec. 2717)

Note: Omit only cases where no intent to steal appears.

MISSISSIPPI

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Hemingway's Annotated Mississippi Code, 1927.
Session Laws, 1928.

1. FELONIOUS HOMICIDE

(1) Murder: the killing of a human being, without the authority of law, by any means or in any manner, when done with deliberate design to effect the death of the person killed, or of any human being; or in the commission of an act eminently dangerous to others, and evincing a depraved heart, regardless of human life, although without premeditated design to effect the death of any particular individual; or when done without any design to effect death, by any person engaged in the commission of rape, burglary, arson or robbery or in any attempt to commit such felonies. (Code 1927, Vol. I, Sec. 1006)

(2) Death from fighting or dueling with a deadly weapon. (Sec. 887)

(3) Manslaughter: every other killing of a human being by the act, procurement or culpable negligence of another, and without authority of law, not provided for in this chapter. (Sec. 1023)

(4) The killing of a human being without malice, by the act, procurement or culpable negligence of another, while such other is engaged in the commission of or attempt to commit any felony except rape, burglary, arson or robbery. (Sec. 1011)

(5) The killing of a human being without malice, by the act, procurement or culpable negligence of another, while such other is engaged in the perpetration of any crime or misdemeanor, where such killing would be murder at common law. (Sec. 1012)

(6) The killing of a human being, without malice, in the heat of passion, but in a cruel or unusual manner, without authority of law and not in necessary self-defense. (Sec. 1015)

(7) Unnecessarily killing another, either while resisting an attempt by such other to commit any felony or to do any unlawful act, or after such attempt shall have failed. (Sec. 1016)

(8) Killing another in the heat of passion, without malice by use of a dangerous weapon, without authority of law and not in necessary self-defense. (Sec. 1017)

(9) Involuntary killing of a human being by the act, procurement or culpable negligence of another, while such human being is engaged in commission of or attempt to commit a trespass or other injury to private rights or property. (Sec. 1018)

(10) Killing any human being by mischievous animal suffered to go at large or kept without ordinary care by owner. (Sec. 1019)

(11) Killing or drowning of any person by wilful or negligent overloading of boat or vessel run for gain. (Sec. 1020)

(12) Killing by ignorant or negligent operation of steamboat or railroad engine. (Sec. 1021)

(13) Death caused by administering of medicine, etc., without a design to effect death, by a physician or other person, while in a state of intoxication. (Sec. 1022)

(14) Death resulting from prize fighting. (Sec. 1124)

(15) Death caused by running a locomotive upon or across the track of another railroad company without first coming to a full stop. (Sec. 1142)
(16) Death caused by railroad switchman wilfully or carelessly leaving open or misplacing switch. (Sec. 1143)
(17) Death caused by wilful and malicious insertion of metallic or explosive substance in saw logs. (Sec. 1181)
(18) Death from discharge of gun or firearm intentionally aimed or pointed at or toward another. (Sec. 809)

Omit

(1) Wilful killing of unborn quick child by injury to the mother which would be murder if death of the mother resulted. (Sec. 1013)
(2) Death of child by administering drug, etc., to pregnant woman with intent to destroy such quick child, unless advised to be necessary by a physician. (Sec. 1014)
(3) Death within the state from a duel fought out of the state by previous appointment in the state. (Sec. 1007)

2. RAPE

(1) Carnally and unlawfully knowing a female child under the age of 12 years, or forcibly ravishing any female of the age of 12 or upward; or having carnal knowledge of any female over 12 without her consent by administering such substance or liquid to her as to produce such stupor or imbecility of mind or weakness of body as to prevent effectual resistance. (Sec. 1147)
(2) Male person having carnal knowledge of any unmarried female person of previously chaste character younger than himself and over 12 and under 18. (Sec. 1148)
(3) Assault with intent to ravish forcibly any female of previous chaste character. (Sec. 1151)
(4) Assault with a deadly weapon with intent to ravish; or assault in attempt to commit rape; maiming with intent to commit rape. (Secs. 807, 1072)
(5) All attempts.

3. ROBBERY

(1) Feloniously taking the personal property of another in his presence or from his person and against his will, by violence to his person or by putting such person in fear of some immediate injury to his person. (Sec. 1152)
(2) Feloniously taking the personal property of another, in his presence or from his person, delivered or suffered to be taken through fear of some injury threatened to be inflicted at some different time to his person or property or the person of any member of his family or relative, such fear being induced by the threats of the person robbing. (Sec. 1153)
(3) Robbery of obligations or bonds, bank bills, etc. (Sec. 1156)
(4) Assault with a deadly weapon with intent to rob; or assault in attempt to rob; maiming with intent to rob. (Secs. 807, 1072)
(5) All attempts.

Omit

(1) Sending, etc., letter threatening to accuse any person of a crime or to do injury to the person or property of anyone, with intent to extort or gain money or property of another. (Sec. 1155)

4. AGGRAVATED ASSAULT

(1) Shooting at another or attempting to shoot, or assault, or assault and battery upon another with a deadly weapon, etc., with intent to kill or maim. (Sec. 807)
(2) Poisoning with intent to kill. (Sec. 1117)
(3) Poisoning food, drink, medicine, etc. (Sec. 1118)
(4) Assault from premeditated design or with intent to kill; mutilating, disfiguring, disabling or destroying the tongue, eye, lip, nose, or any other limb or member of a person. (Sec. 1072)
(5) Mayhem resulting from prize fighting. (Sec. 1124)
(6) Maiming or injuring another by the discharge of a gun, etc. (Sec. 809)
(7) Obstructing railroads, etc. (Sec. 1130)
(8) Fighting in city, town, village or other public place and using deadly weapon. (Sec. 887)
(9) All attempts.

Omit

(1) Intentional pointing of a pistol, gun, or other firearm at another, except in self-defense or lawful discharge of official duty, or discharging such firearm so pointed. (Sec. 809)
(2) Injury caused by engineer running train across tracks of another without coming to a full stop; death from same. [See Felonious Homicide (15).] (Sec. 1142)
(3) Same; leaving switch open by switchman, etc. [See Felonious Homicide (16).] (Sec. 1143)
(4) Shooting or throwing at railroad trains. (Sec. 1145)
(5) Shooting from or on moving trains. (Sec. 1146)
(6) Injury resulting from tampering with timber and saw logs by inserting metal or explosives; death from same. [See Felonious Homicide (17).] (Secs. 1180, 1181)
(7) Aiding, encouraging, etc., another in taking or attempting to take his life. (Sec. 1164)
(8) Sending or accepting, seconding, etc., a duel; leaving the state to evade the dueling law; posting for failure to fight a duel. (Secs. 882, 884, 885)
(9) Death from dueling. [See Felonious Homicide (2), Felonious Homicide **Omit** (3).] (Secs. 887, 1007)
(10) Assault with intent to rape. [See Rape (3), (4).] (Secs. 807, 1151)
(11) Assault with intent to rob. [See Robbery (4).] (Sec. 807)
(12) Killing by pistol intentionally pointed but without malice. [See Felonious Homicide (18).] (Sec. 809)
(13) Assault with a cowhide, whip or stick, having in possession a deadly weapon. (Sec. 808)
(14) With intent to commit any felony, mutilating, disfiguring, disabling or destroying the tongue, eye, lips, nose, or other limb or member of any person. [See Rape (4), Robbery (4), Burglary (9).] (Sec. 1072)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering, in the day or night, the dwelling house of another in which there shall be at the time a human being, with intent to commit some crime therein, either by breaking the wall or an outer door, window or shutter, lock, bolt or fastening, or by breaking in in any other manner, or with the assistance of one or more confederates, present and assisting, or by unlocking an outer door by false keys or picking the lock thereof. (Sec. 830)

(2) Breaking and entering, in the night, the dwelling house of another, armed with a deadly weapon in which there shall be at the time some human being, with intent to commit some crime therein. (Sec. 831)
(3) Breaking and entering any dwelling house in the day or night, with intent to commit a crime. (Sec. 832)
(4) Being in the dwelling house of another committing a crime, and breaking out of same. (Sec. 833)
(5) Having entered the dwelling house of another at night, through an open outer door, window or aperture, and breaking any inner door, with intent to commit any crime. (Sec. 834)
(6) Being lawfully in the dwelling house of another and breaking an inner door with intent to commit a crime. (Sec. 835)
(7) Breaking and entering, in the day or night, any shop, store, booth, tent, warehouse or other building, ship or railroad car in which any goods, merchandise or valuable thing shall be kept, with intent to steal therein or to commit any felony; or breaking and entering, in the day or night, any building within the curtilage of a dwelling house, not forming part thereof. (Sec. 837)
(8) Breaking and entering, by day or night, with intent to commit crime, any building inhabited or not, and opening or attempting to open any vault, safe or other secure place by the use of explosives. (Sec. 839)
(9) Maiming with intent to commit burglary. (Sec. 1072)
(10) All attempts, including all assaults with intent to commit burglary.
(11) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing burglars' tools. (Sec. 838)

6. LARCENY—THEFT (except auto theft)

(1) Grand larceny: feloniously taking and carrying away the personal property of another, of the value of $25 or more. (Sec. 1030)
(2) Petit larceny: same, under value of $25, or any horned cattle, etc., of another, under the value of $25. (Sec. 1031)
(3) Dogs. (Sec. 1032)
(4) Bond, note, draft, etc., according to value. (Sec. 1033)
(5) Railroad ticket. (Sec. 1034)
(6) Severing produce from the soil, or material from any building, gate, fence, etc., and converting same. (Sec. 1035)
(7) Court records and public papers. (Sec. 1036)
(8) Shearing wool from dead sheep without permission of owner, with intent to convert. (Sec. 1037)
(9) Stealing milk from cow without consent of owner. (Sec. 1044)
(10) Stealing animal killed or wounded by railroad. (Sec. 1042)
(11) Electricity, water or gas. (Sec. 1046)
(12) Cutting and rafting timber from state lands, or lands of another. (Secs. 1177, 1178)
(13) Altering or defacing brands on saw logs of another with intent to deprive owner of his property. (Sec. 820)
(14) Livestock:
a. Marking or branding another's animals with intent to deprive owner of his property. (Sec. 817)
b. Altering, or defacing, brands on same. (Sec. 818)

c. Drover or another driving animals from range to which they belong. (Sec. 1631)

(15) Opening grave to steal coffin, vestments, or other articles there interred. (Sec. 870)

(16) Boxing pine trees for turpentine on lands of another; injuring or destroying shade or ornamental trees on public or private property of another. (Secs. 1193, 1195)

(17) All attempts.

Omit

(1) Buying or receiving stolen goods. (Sec. 1038)

(2) Removing, etc., personal property subject to mortgage or other lien. (Secs. 1039 to 1041)

(3) Taking and carrying away any livestock or dog, when such taking shall not amount to larceny. (Sec. 1043)

(4) Tenant in common of personal property selling or otherwise disposing of or converting same with intent to defraud. (Sec. 1045)

(5) Taking up estrays unlawfully. (Sec. 1623)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)

(2) All attempts.

Omit

(1) Taking for temporary use where actually returned. (No specific statute)

(2) Illegal use by chauffeurs.

MISSOURI

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
The Revised Statutes of the State of Missouri, 1919.
1927 Supplement to the Revised Statutes of the State of Missouri.
Laws, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: every murder committed by means of poison, lying in wait, or by any other kind of wilful, deliberate or premeditated killing or every homicide committed in the perpetration or attempt to perpetrate any arson, rape, robbery, burglary or mayhem. (Rev. Stats. 1919, Vol. I, Sec. 3230)

(2) Second degree: all other kinds of murder at common law not herein declared to be manslaughter or justifiable or excusable homicide. (Sec. 3231)

Note: The wrongful killing of a human being with malice aforethought, but without deliberation, would be murder hereunder. State v. Wilson (1889) 98 Mo. 440; State v. O'Hara (1887) 92 Mo. 59; State v. Phillips (1857) 24 Mo. 475; State v. Robertson (1903) 178 Mo. 496.

(3) Manslaughter: the killing of a human being by the act, procurement or culpable negligence of another, not being declared to be murder or excusable or justifiable homicide. (Sec. 3236)

(4) Causing death of a woman, whether pregnant or not, by the administering of drugs, medicine, etc., with intent to procure abortion, unless necessary to preserve her life or that of the child, or advised by a physician to be so necessary. (Sec. 3239)

(5) Death caused by a mischievous animal, unlawfully suffered to go at large or kept without ordinary care by owner. (Sec. 3240)

(6) Death caused by an intoxicated physician administering any potion, drug or medicine, which produces death but without design to do so. (Sec. 3241)

(7) Wilful operation of unsafe railroad cars, engines, steamboats, etc., or negligent operation of same, causing death. (Sec. 3244)

(8) Death caused by an explosion of explosive substance being unlawfully transported, etc. (Sec. 3412)

Omit

(1) Assisting another in the commission of self murder. (Sec. 3237)
(2) Wilful killing of an unborn quick child by injury to the mother, etc. (Sec. 3238)
(3) Killing any unborn quick child by administering drugs, etc., to mother to procure miscarriage. (Sec. 3239)

2. RAPE

(1) Carnally and unlawfully knowing any female child under 16, or forcibly ravishing any woman of the age of 16 or upwards. (Sec. 3247, amended 1927 Supp.)

(2) Carnally knowing any woman above 14 without her consent by administering substance or liquid producing stupor or imbecility of mind or weakness of body such as to prevent effectual resistance. (Sec. 3249)

(3) Person over 16 carnally knowing any unmarried female of previous chaste character, between 16 and 18 years. (Sec. 3248, amended 1927 Supp.)
(4) Guardian or other person having care of any female under 18 defiling or carnally knowing her while she is under his care, custody or employment. (Sec. 3260)
(5) Assault with intent to ravish. (Sec. 3262)
(6) All attempts.

3. ROBBERY

(1) First degree: feloniously taking the property of another from his person or in his presence and against his will by violence to his person, or by putting him in fear of some immediate injury to his person; or feloniously taking the property of another from the person of his wife, servant, clerk, or agent in charge thereof and against his or her will, by violence or putting in fear of immediate injury to the person. (Sec. 3307)
(2) First degree: same, by means of a dangerous and deadly weapon. (Sec. 3310, amended 1927 Supp.)
(3) First degree: robbery, aided by the use of a motor vehicle. (1927 Supp. Sec. 3310b)
(4) Second degree: feloniously taking the personal property of another, in his presence or from his person, delivered or suffered to be taken through fear of injury to his person or property, or to the person of any relative or member of his family, threatened to be inflicted at some different time—such fear being produced by the threats of the person robbing. (Rev. Stats. 1919, Vol. I, Sec. 3308)
(5) Obstructing, by explosives or otherwise, or stopping any railway train with design of robbing any person thereon; or having entered same, robbing any person, company, mail pouch or car. (Sec. 3380)
(6) Assault with intent to rob. (Sec. 3262)
(7) All attempts.

Omit

(1) Extortion by threat to accuse of a felony, or to commit injury upon the person or property of any one. (Sec. 3309)
(2) Attempt to extort or blackmail. (Sec. 3311)

4. AGGRAVATED ASSAULT

(1) Assault with deadly weapons with intent to kill. (Sec. 3262)
(2) Assault with deadly weapons with intent to maim. (Sec. 3262)
(3) Assault by poisoning where death does not ensue. (Secs. 3266, 3267)
(4) Dueling. (Sec. 3460)
(5) Cutting or biting off the ear or cutting or disabling the tongue, or putting out an eye, or slitting, cutting or biting off the nose or lips, or cutting off or disabling any limb or member of any person on purpose and of malice aforethought, with intent to kill, maim, or disfigure. (Sec. 3261)
(6) Maiming, wounding, disfiguring or inflicting great bodily harm or endangering the life of another by any act, procurement, or culpable negligence, in cases and under circumstances which would constitute murder or manslaughter if death ensues. (Sec. 3264)
(7) Parent or any person having care or control of infant child under 16, unlawfully wounding such infant. (Sec. 3273, amended 1927 Supp.)

(8) Wounding another under such circumstances as not to constitute any other offense herein defined. (Sec. 3265)
(9) Wounding officer in discharge of duty. (Sec. 3147)
(10) Endangering life by obstructing railroad train. (Secs. 3376, 3377)
(11) All attempts.

Omit

(1) Challenging, advising, etc., a duel; posting for not fighting a duel, etc. (Secs. 3461, 3462)
(2) Beating and assaulting an infant by parent or person in charge . (Sec. 3273, amended 1927 Supp.)
(3) Shooting into dwelling house, barn, stable, etc. (Sec. 3277)
(4) Assaulting and beating another under such circumstances as not to constitute any other offense herein defined. (Sec. 3265)
(5) Same; officer in discharge of duty. (Sec. 3147)
(6) Assaulting person at a religious meeting. (Sec. 3498)
(7) Throwing stone, stick or other thing at or into train, car, etc. (Sec. 3381)
(8) Assault with intent to rape. [See Rape (5).] (Sec. 3262)
(9) Assault with intent to rob. [See Robbery (6).] (Sec. 3262)
(10) Assault with intent to commit burglary. [See Burglary (10).] (Sec. 3262)
(11) Assault with intent to commit other felony. (Sec. 3262)

5. BURGLARY—BREAKING OR ENTERING

(1) First degree: breaking into and entering the dwelling house of another in which there shall be at the time some human being, with intent to commit some felony or any larceny therein, (1) by breaking outer wall, door, window or shutter, bolt, lock or fastening; or (2) by breaking in any other manner, being armed with a dangerous weapon, or with assistance of one or more confederates, then actually present; or (3) by unlocking outer door by false keys, or picking the lock thereof. (Sec. 3291)
(2) Second degree: breaking into a dwelling house, with intent to commit a felony or larceny therein but under circumstances not constituting burglary in the 1st degree. (Sec. 3292)
(3) Second degree: entering the dwelling house of another in such a manner as not to constitute any burglary hereinbefore specified, with intent to commit a felony or larceny; or being in a dwelling house of another and committing a felony or larceny and breaking out. (Sec. 3293)
(4) Second degree: having entered the dwelling house of another through an open door or window or aperture not made by such person, and breaking an inner door with intent to commit a felony or larceny. (Sec. 3294)
(5) Second degree: being admitted into any dwelling house with consent of the occupant, or being lawfully in such house, and breaking an inner door with intent to commit a felony or larceny. (Sec. 3295)
(6) Second degree: breaking and entering any building, breaking and entering of which is not burglary in the first degree; or any booth or tent, boat or vessel, or railroad car in which there shall be at the time any human being or any goods, wares, etc., kept or deposited, with intent to steal or commit any crime therein. (Sec. 3297, amended 1927 Supp.)
(7) Second degree: breaking and entering into any banking house or bank building in which there shall be at the time any money,

goods, checks, etc., or other valuable things kept or deposited, with intent to steal or commit any felony therein. (Sec. 3298)

(8) Second degree: breaking and entering any vacant building in which there shall be no human being and no goods, wares, or merchandise, and taking or attempting to take, tear off, or remove any lead pipe, brass, copper or any valuable thing attached to said building with intent to steal or commit any felony therein. (Sec. 3299)

(9) Breaking and entering any building in the night time with intent to commit some crime, and using or attempting to use explosives. (Sec. 3303)

(10) Assaulting another while attempting to commit burglary. (Sec. 3262)

(11) All attempts.

(12) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession, making, mending, etc., burglar's tools. (Sec. 3306)

(2) Breaking out of any dwelling house, or breaking inner door thereof, by any person being therein, in any case other than herein particularly specified. (Sec. 3300)
Note: Omit only cases where there is no intent to commit a felony.

(3) Wrongfully breaking into or entering school house or church. (Sec. 3301)
Note: No intent specified.

6. LARCENY—THEFT (except auto theft)

(1) Grand larceny: feloniously stealing, taking and carrying away any money, goods, rights in action or other personal property or valuable thing, whatsoever of value of $30.00 or more; or any horse, mare, gelding, etc., of another, including dogs.
(Sec. 3312, amended 1927 Supp.)

(2) Petit larceny: stealing, taking and carrying away any money, personal property or effects of another, under the value of $30.00 not being the subject of grand larceny without regard to value. (Sec. 3325)

(3) Larceny in a dwelling house, boat or vessel, railroad, street or interurban car, of property of value of $30.00 or over. (Sec. 3315)
Same of property of value under $30.00. (Sec. 3316)

(4) Stealing from the person. (Secs. 3315, 3316)

(5) Motor part, tire or equipment of value of $30.00 or more; same, of value under $30.00.
(1927 Supp., Ch. 71, Art. I, Secs. 7550a 28[a] and [b])

(6) Domestic fowls in the nighttime, from messuage of another or from premises upon which the dwelling house of another is situated—grand larceny, regardless of value.
(Rev. Stats. 1919, Vol. I, Sec. 3314)

(7) Livestock:
a. Marking, branding or altering mark or brand of animal of another, with intent to steal and convert same. (Sec. 3318)
b. Wilfully killing such animal, with intent to steal and convert the carcass, skin or any part. (Sec. 3318)

(8) Will or deed affecting any interest in real or personal property;—court or public records;—grand larceny, regardless of value. (Secs. 3319, 3320)

(9) Severing produce from the soil, or materials from any fence, building, etc.; stealing timber, rails or wood, coal, mineral ore

or stone, plants, melons, grain, fruit, etc.; trees, fence or material, vines or berry bushes, fruit, trees, logs or timber;—from land of another. (Secs. 3324, 3383, 3385, 3386, 3397, 3398, 3400)

(10) Cutting, carrying away, etc., buildings or other property belonging to the state. (Sec. 3395)

(11) Removing water without permission from well, etc., kept for supply of schoolhouse. (Sec. 3402, amended 1927 Supp.)

(12) Diverting water supply of well, spring or reservoir. (Sec. 3588)

(13) Opening grave, etc., and stealing coffin, vestments or other article interred there. (Sec. 3584)

(14) Fish from private pond. (Secs. 3654, 3655)

(15) Gas, electricity. (Secs. 3354 to 3357)

(16) Floating or boomed logs from waters of the state or shores or banks thereof:
a. Taking same.
b. Placing marks on same.
c. Cutting, altering or defacing marks thereon. (Vol. 3, Secs. 10324 to 10326)

(17) All attempts.

Omit

(1) Converting, etc., lost property. (Vol. I, Sec. 3322)

(2) Embezzling, etc., will or deed, or court or public records —grand larceny. (Secs. 3319, 3320)

(3) Converting a stray—grand larceny. (Sec. 3323)

(4) Unauthorized use: unlawfully taking, riding or driving off horse or other animal of another without consent and without intent to deprive owner thereof permanently. (Sec. 3373)

(5) Removal of money or personal property from the state by officer of fraternal beneficiary association. (Vol. II, Sec. 6436)

(6) Unlawful sale or conversion, removal or disposal, etc., of lead, ore or other mineral, by other than owner or lessee of land. (Sec. 7440)

7. AUTO THEFT

(1) Stealing any motor vehicle. (1927 Supp., Secs. 7550a 28[a] and [b])

(2) All attempts.

Omit

(1) Driving, operating, using, etc., motor vehicle without permission of owner. (Secs. 7550a 25[a] and [c], 7550 a 28[c])

MONTANA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Revised Codes of Montana, 1921, by I. W. Choate.
1927 Supplement, by I. W. Choate.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being, with malice aforethought. (R. C. M. 1921, Vol. IV, Sec. 10953)
(2) First degree: all murder perpetrated by means of poison, or lying in wait, torture, or by any other kind of wilful, deliberate and premeditated killing; or committed in the perpetration of or attempt to perpetrate arson, rape, robbery, burglary or mayhem; or perpetrated from a deliberate and premeditated design unlawfully and maliciously to effect the death of any human being other than he who is killed. (Sec. 10955)
(3) First degree: death resulting from wilfully and maliciously obstructing or wrecking, with explosives or otherwise, or holding up for the purpose of robbing, any railroad train. (Secs. 11468, 11470)
(4) Second degree: all other kinds of murder. (Sec. 10955)
(5) Death from fighting a duel with a deadly weapon. (Sec. 10982)
(6) Manslaughter: the unlawful killing of a human being, without malice.
Voluntary manslaughter: killing upon a sudden quarrel or heat of passion.
Involuntary manslaughter: killing in the commission of an unlawful act, not amounting to felony; or of a lawful act which might produce death, in an unlawful manner, or without due caution or circumspection. (Sec. 10959)
(7) Death resulting from wilful, ignorant or negligent operation of steam-boiler or engine in manufactory, railroad, vessel, etc. (Sec. 11229)
(8) Death from railroad collision, wilfully or negligently suffered or caused by railroad employee. (Sec. 11230)
(9) Death by apothecary, etc., wilfully, negligently or ignorantly omitting to label or wrongly labeling drugs. (Sec. 11238)
(10) Death from placing passenger cars in front of freight cars in making up or running railroad trains. (Sec. 11254)

2. RAPE

(1) An act of sexual intercourse, accomplished with a female not wife of the perpetrator, under either of the following circumstances: when she is under 18; where she is incapable of giving legal consent, through lunacy or other unsoundness of mind, whether permanent or temporary; where she resists, but her resistance is overcome by violence or force; where she is prevented from resisting by threats of immediate and great bodily harm, accompanied by apparent power of execution, or by any intoxicating, narcotic or anesthetic substance administered by or with the privity of the accused; where she is at the time unconscious of the nature of the act and this is known to the accused; where she submits under a belief that the person committing the act is her husband, such belief being induced by any artifice practiced by the accused, with intent to induce it. (Sec. 11000)

(2) Assault with intent to rape. (Secs. 10976, 10977)
(3) All attempts.

Omit

(1) Person over 18 committing lewd or lascivious act upon a child under 16. (Sec. 11005)

3. ROBBERY

(1) The felonious taking of personal property in the possession of another, from his person or immediate presence and against his will, accomplished by means of force or fear, such fear being of an unlawful injury to his person or property or that of any relative or member of his family; or of immediate and unlawful injury to the person or property of anyone in his company at the time. (Secs. 10973, 10974)
(2) Holding up any railroad train, by intimidating any member of the crew or any passenger, for the purpose of gaining from any person by any means any money or other thing of value. (Sec. 11468[3])
(3) Assault with intent to rob. (Secs. 10976, 10977)
(4) All attempts.

Omit

(1) Exhibiting moving pictures depicting train robberies, etc. (Sec. 11567)

4. AGGRAVATED ASSAULT

(1) Assault with deadly weapons or means likely to produce death, or by poison, with intent to kill. (Sec. 10976)
(2) Assault by poison, or with or without a weapon, with intent to injure or inflict grievous bodily harm. (Sec. 10977)
(3) Poisoning food, drink, etc. (Sec. 11194)
(4) Dueling. (Secs. 10981, 10983)
(5) Unlawfully and maliciously depriving a human being of a member of his body, or disabling, disfiguring or rendering it useless, or cutting or disabling the tongue, or putting out an eye, or slitting the nose, ear or lip. (Sec. 10968)
(6) Assault with caustic chemicals. (Sec. 10979)
(7) All attempts.

Omit

(1) Assault or assault and battery. (Sec. 10978)
(2) Carrying a deadly weapon with intent to assault. (Sec. 11354)
(3) Posting or publishing another for not fighting a duel, etc.; leaving state to evade laws against dueling; failure to stop a duel by a peace officer who knows of same. (Secs. 10984, 10986, 10985)
(4) Death by dueling. [See Felonious Homicide (5).] (Sec. 10982)
(5) Assault by public officer under color of authority. (Sec. 10929)
(6) Obtaining confession by threats, etc. (Sec. 10923)
(7) Oppression by officer under color of authority. (Sec. 10952)
(8) Upbraiding a public school teacher in the presence of a pupil. (Sec. 11527)
(9) Committing an assault upon the person of another on a railroad train or car. (Sec. 11316)
(10) Assaulting another with intent to commit a felony; administering chloroform, etc., to assist self or another to commit any crime. [See Rape (2), Robbery (3), Burglary (5).] (Secs. 10976, 10977)
(11) Assault to prevent execution of legal process. (Sec. 10977)

5. BURGLARY—BREAKING OR ENTERING

(1) Entering any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse, or other building, tent, vessel or railroad car, with intent to commit grand or petit larceny or any felony. (Sec. 11346)
(2) First degree: burglary committed in the night time. (Sec. 11347)
(3) Second degree: burglary committed in the day time. (Sec. 11347)
(4) Entering a building of another with intent to commit a felony or other crime by the use of explosives; or committing a burglary by the use of explosives. (Sec. 11351)
(5) Assault with intent to commit burglary. (Secs. 10976, 10977)
(6) All attempts.
(7) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing, making, etc., burglars' tools. (Sec. 11353)
(2) Exhibiting moving pictures depicting burglaries, etc. (Sec. 11567)

6. LARCENY—THEFT (except auto theft)

(1) With intent to deprive or defraud true owner of his property, or to appropriate same to own or another's use, taking from the possession of the true owner or another, any money, personal property, thing in action, evidence of debt or contract, or article of value of any kind. [See **Omit** (1).] (Sec. 11368)
(2) Grand larceny: taking with felonious intent: property of value exceeding $50.00; property from the person of another; a stallion, mare, gelding, etc. (Sec. 11371)
(3) Petit larceny: cases other than grand. (Sec. 11372)
(4) Dogs. (Sec. 11375)
(5) Severing and removing part of the realty. (Sec. 11380)
(6) Gas, electricity, water. (Secs. 11385, 11386)
(7) Earth, soil or stone from city lot, street or park; timber or products from land of another, or anything attached thereto; timber or trees from state lands. (Secs. 11481[2], [4], [5], 11482, 11507)
(8) Public records. (Sec. 10874)
(9) Livestock: (See grand larceny above.)
a. Marking, altering or defacing brands, with intent to steal or prevent identification by true owner. (Sec. 11211)
b. Driving cattle, etc., from customary range, without permission of owner. (Sec. 11549)
c. Branding cattle running at large, except by an owner. (Sec. 11553)
d. Using frying-pan brand or other device to obliterate a brand, etc. (Sec. 11554)
(10) Altering or defacing marks on logs, lumber or wood, to conceal identity from owner. (Sec. 11210)
(11) All attempts.

Omit

(1) With intent to deprive or defraud true owner or to appropriate to own or another's use, obtaining from possession of true owner or another any money, personal property, etc., by fraudulent or false representation or pretense, false token or writing; or secreting, withholding or appropriating same to own use or that of another. (Sec. 11368)

(2) Appropriation by bailee; by trustee. (Secs. 11368, 11382)
(3) Uttering checks, drafts, etc., without sufficient funds. (Sec. 11369)
(4) Finding and appropriating lost property, with knowledge or means of inquiring as to the true owner, without effort to find owner. (Sec. 11376)
(5) Removal or sale of mortgaged personal property without written consent, with intent to defraud. (Sec. 11416)
(6) Obtaining money by gambling device or trick. (Sec. 11161)
(7) Unlawfully retaining possession of state arms, equipment, etc.; member of state militia unlawfully disposing of same. (Secs. 11332, 11333)
(8) Taking up and restraining horses without owner's consent. (Sec. 11551)
(9) Wrongful taking of estray. (Vol. I, Sec. 3340)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Chauffeur or another person taking, using, operating or removing without consent of owner any automobile or motor vehicle, and operating same for own purpose, use or profit. (Vol. IV, Sec. 11478)
Note: Omit only cases where no intent to steal appears.

NEBRASKA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Compiled Statutes of the State of Nebraska, 1922.
Session Laws of Nebraska: Special Session 1922, 1923, 1925, 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: killing another purposely and of deliberate and premeditated malice or in the perpetration of or attempt to perpetrate any rape, arson, robbery or burglary; or by administering poison or causing same to be done. (Comp. Stats. 1922, Sec. 9544)
(2) Second degree: death resulting from train robbery or attempted train robbery. (Sec. 9558)
(3) Second degree: killing another purposely and maliciously but without deliberation and premeditation. (Sec. 9545)
(4) Death by dueling. (Sec. 9751)
(5) Death occasioned by injury to or an obstruction placed upon a railroad track. (Sec. 9673)
(6) Manslaughter: unlawfully killing another without malice, either upon a sudden quarrel or unintentionally while slayer is in the commission of some unlawful act. (Sec. 9546)
(7) Death of mother from administering drugs, etc., with intent to destroy embryo, unless necessary to preserve her life, or advised by two physicians to be so necessary. (Sec. 9547)
(8) Death caused by operating a motor vehicle in violation of the law or while intoxicated. (Sec. 8396, amended Sess. Laws 1929, Ch. 144, p. 505)

Omit

(1) Procuring conviction and execution of an innocent person by perjury or subornation of perjury. (Sec. 9544)
(2) Death of vitalized embryo or foetus from abortion. (Sec. 9547)

2. RAPE

(1) Carnal knowledge of daughter or sister forcibly and against her will. (Sec. 9550)
(2) Carnal knowledge of any other woman or female child forcibly and against her will; or carnal knowledge by a male 18 or upwards of female child under 18, with her consent unless she is over 15 and previously unchaste. (Sec. 9551)
(3) Male person 17 or upwards having carnal knowledge of a female other than his wife, she being insane or of feeble mind and he knowing her to be so. (Sec. 9758)
(4) Assault with intent to commit rape. (Sec. 9552, amended Sess. Laws 1929, p. 251, Ch. 70)
(5) All attempts.

3. ROBBERY

(1) Forcibly and by violence or by putting in fear, taking from the person of another any money or personal property, of any value, with intent to rob or steal. (Sec. 9557, amended Sess. Laws 1927, Ch. 71, p. 235)

(2) Stopping, wrecking or obstructing train with intent to rob; entering locomotive, tender, coach or car and taking or attempting to take possession of or uncouple same for purpose of committing robbery; or rifling any coach, car, safe, box or mail pouch; or with force and arms taking and carrying away any valuable thing whatever from such train or any person thereon; or intimidating or injuring any person with intent to rob. (Sec. 9558)
(3) Entering bank, etc., and by violence or putting in fear employee thereof, with intent to take, steal or carry away money or property. (Sec. 9622)
(4) Assault with intent to commit robbery. (Sec. 9552, amended Sess. Laws 1929, p. 251, Ch. 70)
(5) All attempts.

Omit

(1) Death resulting from train robbery. [See Felonious Homicide (2).] (Sec. 9558)

4. AGGRAVATED ASSAULT

(1) Assault with intent to commit murder. (Sec. 9552, amended Sess. Laws 1929, p. 251, Ch. 70)
(2) Shooting or stabbing with intent to kill, wound or maim. (Sec. 9553)
(3) Poisoning with intent to kill, etc. (Sec. 9563)
(4) Dueling. (Sec. 9751)
(5) Unlawfully striking or wounding another. (Sec. 9554)
(6) Wilfully, unlawfully and purposely cutting or biting the nose, lip, ear or cutting out or disabling the tongue or putting out an eye or slitting the nose, ear or lip or cutting or disabling any limb or member of any person with intent to murder, kill, maim or disfigure such person. (Sec. 9549)
(7) Assault with intent to do great bodily harm. (Sec. 9556)
(8) Wounding or maiming any person in commission of train robbery. (Sec. 9558)
(9) Maiming or disfiguring any person while operating a motor vehicle in violation of the law or while intoxicated. (Sec. 8396, amended Sess. Laws 1929, p. 505, Ch. 144)
(10) All attempts.

Omit

(1) Challenging, seconding, etc., a duel; failure of peace officer to prevent intended duel. (Secs. 9751, 9750)
(2) Death by dueling. [See Felonious Homicide (4).] (Sec. 9751)
(3) Unlawfully assaulting or threatening another in a menacing manner or unlawfully striking another. (Sec. 9554)
(4) Provoking assault upon self or another. (Sec. 9555)
(5) Committing assault or assault and battery on employee. (Sec. 9752)
(6) Assault with intent to commit rape. [See Rape (4).] (Sec. 9552, amended Sess. Laws 1929, p. 251, Ch. 70)
(7) Assault with intent to rob. [See Robbery (4).] (Same)
(8) Assault with intent to commit sodomy. (Same)

5. BURGLARY—BREAKING OR ENTERING

(1) Wilfully, maliciously and forcibly breaking and entering any dwelling house, kitchen, smokehouse, shop, office, church, public building, factory, etc., with intent to kill, rob, commit rape or any felony or to steal property of any value. (Sec. 9623)
(2) Wilfully and maliciously, in day or night, entering any dwelling house, shop, store, etc., and attempting to kill, disfigure,

maim, rob, steal, stab, or commit rape or arson; or entering armed with any dangerous weapon, any building with intent to rob or steal, and threatening to disfigure or maim a person therein, or with intent to rob, or steal, ordering any person therein to hand over money or personal property therein. (Sec. 9624)

(3) Breaking and entering, by day or night, any building, inhabited or not, and opening or attempting to open any vault or other secure place by the use or attempted use of any explosive, electricity or gas, with intent to steal or injure the property of another. (Sec. 9628, amended Sess. Laws 1929, p. 256, Ch. 74)

(4) All attempts, including assault with intent to commit burglary.

(5) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession of burglar's tools, etc. (Sec. 9625)

(2) Breaking and entering at night any house, shop, boat, etc., in which any person shall reside or dwell, and committing or attempting to commit any personal violence or abuse; or being so armed with any dangerous weapon as to indicate violent intention. (Sec. 9626)

(3) Breaking and entering same in the daytime, and committing or attempting to commit any personal abuse, force or violence. (Sec. 9627)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the felonious taking and carrying away of the personal property of another, with intent to deprive the owner permanently of his property, is the law of this state. Thompson v. State (1876) 4 Neb. 524; Mead v. State (1889) 25 Neb. 444; Barnes v. State (1894) 40 Neb. 545; Philamalee v. State (1899) 58 Neb. 320.

(2) Grand larceny: stealing money or goods and chattels of any kind, the property of another, of value of $35.00, or any money, note, bill, etc., of such value.
(Sec. 9599, amended Sess. Laws 1927, Ch. 72, p. 235)

(3) Grand larceny: stealing property of any value, from the person of another. (Sec. 9598)

(4) Petit larceny: stealing money or goods and chattels, etc., of less value than $35.00. (Sec. 9605)

(5) Embezzlement by clerk, servant, etc., of money or property *entrusted by master.* (Sec. 9630)

Note: The distinction between embezzlement and larceny in the case of theft by a servant is well settled. "A dishonest servant commits embezzlement in the case of things which he has received *for* his master; though larceny in the case of those which he has received *from* his master." Kenny: Outlines of Criminal Law, p. 187 (12th Ed., Cambridge, 1926). And see Bazeley's Case, 2 Leach, C. C. 835 (1799).

(6) Livestock:

a. Any horse, mare, gelding, cow, steer, sow, farrow; chickens, ducks, etc., etc., of any value.
(Secs. 9602, 9603 amended Sess. Laws 1925, Ch. 104 p. 293; 9611, 9612 amended Sess. Laws 1927, Ch. 74, p. 238)

b. Misbranding or defacing or obliterating brands on animals of another. (Sec. 9640, amended Sess. Laws 1925, Ch. 103, p. 292)

(7) Honey or honey bees, of less value than $35.00; wrongfully entering premises to disturb or carry away box, etc., containing bees or honey. (Secs. 9609, 9610)
(8) Any testamentary instrument. (Sec. 9604)
(9) Water from irrigation ditch, of value of $20.00 or more; of value less than $20.00. (Sec. 9682)
(10) Severing, carrying away, etc., trees or shrubs on land of another or public ground. (Secs. 9659 to 9662)
(11) Public record or paper. (Sec. 9711)
(12) Electricity, gas, water. (Secs. 7116 to 7119, amended Sess. Laws 1923, Ch. 86, p. 228)
(13) Books from state library. (Sec. 3181, amended Sess. Laws 1929, Ch. 64, p. 241)
(14) Telegraph or telephone service by use of unlawful coin or device by person over 16. (Sess. Laws 1929, Ch. 69, p. 250, Secs. 1, 2)
(15) All attempts.

Omit

(1) Embezzlement of bedding, furniture, etc., by lodger. (Sec. 9607)
(2) Conversion by bailee. (Sec. 9631)
(3) Unauthorized use: taking a horse or mule without leave with intention wrongfully to use same. (Sec. 9608)
(4) Interfering with or setting at liberty domestic or other animals lawfully impounded by any other person. (Sec. 9613)
(5) Taking, injuring or losing any water craft, the property of another, in the state. (Sec. 9669)
(6) Injury to or removal of railroad fixture of value of $35.00 or upwards. (Sec. 9676)

7. AUTO THEFT

(1) Stealing an automobile or motorcycle. (Sec. 9616, amended Sess. Laws 1923, Ch. 91, p. 236)
(2) All attempts.

Omit

(1) Wrongfully taking an automobile or motorcycle from garage or other place without consent of owner, with intent wrongfully to use same. (Sec. 9614)

NEVADA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Revised Laws of Nevada, 1912, by Sweeney, Talbot and Norcross, Vols. I and II.
Revised Laws of Nevada, 1919, by Thatcher and Patrick. Vol. III.
Statutes of Nevada, 1921 and Special Sessoins 1920, 1923, 1925, 1927 and Special Session 1926, 1929 and Special Session 1928.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being, with malice aforethought, either express or implied, by any of the various means by which death may be occasioned. (Rev. Laws 1912, Sec. 6384)
(2) First degree: all murder perpetrated by means of poison, or lying in wait, torture, or by any other kind of willful, deliberate and premeditated killing, or committed in the perpetration of or attempt to perpetrate any arson, rape, robbery or burglary, or committed by a convict serving a life sentence in the state prison. (Rev. Laws 1919, Sec. 6386)
(3) First degree: killing by duel with a dangerous weapon. (Rev. Laws 1912, Sec. 6422)
(4) First degree: killing by convict in escaping or attempting to escape from state prison. (Sec. 6819)
(5) Second degree: all other kinds of murder. (Rev. Laws 1919, Sec. 6386)
(6) Manslaughter: the unlawful killing of a human being, without malice express or implied, and without any mixture of deliberation.
Voluntary manslaughter: killing upon a sudden heat of passion, caused by provocation apparently sufficient to make the passion irresistible.
Involuntary manslaughter: killing in the commission of an unlawful act, or a lawful act without due caution or circumspec- (Rev. Laws 1912, Sec. 6387)
(See also Secs. 6388, 6389, 6390)
(7) Killing or drowning by willful or negligent overloading of vessel run for gain. (Sec. 6406)
(8) Killing by vicious or dangerous animal, willfully or negligently suffered to go at large by owner. (Sec. 6407)
(9) Killing from ignorant, reckless or negligent operation of steamboat or engine. (Sec. 6408)
(10) Killing by explosives made or kept unlawfully. (Sec. 6409)
(11) Killing by physician or other person prescribing drug, etc., while intoxicated, though without design to cause death. (Sec. 6410)

Omit

(1) Willful killing of unborn quick child by any injury committed upon the mother. (Sec. 6403)
(2) Woman causing death of unborn quick child by taking medicine, etc., with intent to procure miscarriage, unless necessary to preserve her life or that of the child. (Sec. 6405)
(3) Having any agency in a duel, where death results. [See (3) above.] (Sec. 6426)
(4) Conviction and execution of innocent person procured by perjury or subornation of perjury. (Sec. 6352)

2. RAPE

(1) Carnal knowledge of a female, forcibly and against her will; or person of 16 years or upwards having carnal knowledge of any female child under 18, either with or without her consent. (Revised Laws 1919, Sec. 6442)
(2) Assault with intent to commit rape. (Rev. Laws 1912, Sec. 6413)
(3) All attempts.

3. ROBBERY

(1) The unlawful taking of personal property from the person of another, or in his presence, against his will, by means of force or violence or fear of injury, immediate or future, to his person or property, or those of a member of his family or of anyone in his company at the time. (Sec. 6427)
(2) Robbery upon a train. (Sec. 6427)
(3) Assault with intent to rob. (Sec. 6413)
(4) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill, or with a deadly weapon under circumstances showing an abandoned and malignant heart. (Sec. 6413)
(2) Assault with intent to commit mayhem. (Sec. 6413)
(3) Poisoning. (Sec. 6404)
(4) Dueling. (Secs. 6422, 6423)
(5) Unlawfully depriving a human being of a member of his or her body, or disfiguring or rendering it useless, cutting out or disabling the tongue, putting out an eye, slitting the nose, ear, or lip, disabling any limb or member of another or voluntarily putting out an eye or eyes of another. (Sec. 6416)
(6) All attempts.

Omit

(1) Challenging to duel; posting for failure to duel. (Secs. 6423, 6425)
(2) Death by dueling. [See Felonious Homicide (3).] (Sec. 6422)
(3) An unlawful attempt, coupled with a present ability to commit a violent injury upon the person of another. (Sec. 6412)
(4) Unlawful use of force or violence upon the person of another. (Sec. 6414)
(5) Provoking assault. (Sec. 6415)
(6) Coercion. (Sec. 6740)
(7) Extortion of a confession. (Sec. 6807)
(8) Assault with intent to rape. [See Rape (2).] (Sec. 6413)
(9) Assault with intent to rob. [See Robbery (3).] (Sec. 6413)
(10) Assault with intent to commit the infamous crime against nature. (Sec. 6413)
(11) Assault with a cowhide, whip or stick, having in possession a pistol or other deadly weapon. (Sec. 6411)

5. BURGLARY—BREAKING OR ENTERING

(1) Entering any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse, or other building, tent, vessel or railroad car, with intent to commit grand or petit larceny or any felony. (Sec. 6634)
(2) First degree: burglary committed in the night-time. (Sec. 6634)
(3) Second degree: burglary committed in the day-time. (Sec. 6634)

(4) Burglary committed on a railroad train. (Sec. 6634)
(5) Breaking and entering, with intent to commit crime, by day or night, any building, inhabited or not, and opening or attempting to open any vault, safe or other secure place by the use of explosives. (Rev. Laws 1919, p. 3376)
(6) All attempts, including assault with intent to commit burglary.

Omit

(1) Making, possessing, etc., burglar's tools. (Rev. Laws 1912, Sec. 6637)

6. **LARCENY—THEFT (except auto theft)**

(1) Grand larceny: feloniously stealing taking and carrying away, leading or driving away the personal goods or property of another of value of $50 or more. (Rev. Laws 1919, Sec. 6638)
(2) Grand larceny: stealing or taking any horse, mare, gelding, etc., marking or branding or altering or defacing mark or brand upon same with intent to steal or defraud. Killing any animal at large, whether branded or not, with intent to defraud. (Rev. Laws 1912, Sec. 6640)
(3) Grand larceny: conversion of realty of value of $50 or over into personal property by severing from the realty of another and taking away with intent to steal. (Sec. 6643)
(4) Petit larceny: stealing, taking and carrying away, etc., personal goods or property of another, under the value of $50. (Sec. 6639)
(5) Petit larceny: conversion of real estate of value under $50 by severing from the realty of another and actually stealing, taking and carrying away same. (Sec. 6644)
(6) Petit larceny: dog stealing. (Sec. 6647)
(7) Larceny from the person of another. (Sec. 6822)
(8) Negotiable and other instruments. (Sec. 6645)
(9) Opening grave with intent to steal coffin or other article. (Sec. 6475)
(10) Taking personal property in the custody of an officer. (Sec. 6337)
(11) Cutting or removing timber by person having inchoate title to the land or title less than fee simple; timber from state land; entering orchard with intent to take anything there grown or growing; earth or stone from city lot, etc. (Secs. 2114 to 2116; 6753[3], [4])
(12) Driving stock from range without consent of owner. (Sec. 6642, amended Laws 1929, p. 108, Ch. 73)
Note: Include only cases where intent to steal appears.
(13) Water, gas, electricity, power. (Sec. 6733)
(14) Public records. (Sec. 2817)
(15) All attempts.

Omit

(1) Finding, use or removal of estrays. (Secs. 2274, 2277, 2279)
(2) Larceny by lodger by stealing or embezzling any goods, chattels, etc. (Sec. 6646)
(3) Leading or driving away without authority the horse, team, or vehicle of another from place where left standing. (Sec. 6753[8])
(4) Obtaining possession or use of animal or vehicle, without paying therefor, with intent to defraud. (Sec. 6707)
Note: Omit only cases where no intent to steal appears.
(5) Selling or purchasing hide or carcass of animal, with intent to defraud, the mark or brand on which has been cut out or obliterated—grand larceny. (Sec. 6640)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute.)
(2) All attempts.

Omit

(1) Driving away without authority the automobile or other vehicle of another from place where left standing. (Rev. Laws 1912, Sec. 6753[8])
(2) Obtaining possession or use of vehicle or automobile without paying therefore, with intent to defraud. (Sec. 6707)
Note: Omit only cases where no intent to steal appears.

NEW HAMPSHIRE

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
The Public Laws of New Hampshire, 1926.
Session Laws, 1927, 1929 and Special 1928.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: all murder committed by poison, starving, torture or other deliberate and premeditated killing, or committed in perpetrating or attempting to perpetrate arson, rape, robbery or burglary. (Pub. Laws 1926, Vol. II, Ch. 392, Sec. 1)
(2) Second degree: all murder not first degree. (Sec. 1)
Note: The common law definition, viz., that murder is the unlawful killing of another with malice aforethought, is the law of this state. State v. Pike (1870) 49 N. H. 399; State v. Almy (1892) 67 N. H. 274.
(3) Manslaughter: First degree: killing of a human being when perpetrated with a design to effect death, or when perpetrated without such design by a person engaged in the commission of any offense, or by two or more persons, or by a person bearing any deadly weapon, either open or concealed, or when perpetrated in a cruel or unusual manner, or by means of any deadly or dangerous instrument. (Sec. 8)
(4) Second degree: every killing of one human being by the act, procurement or culpable negligence of another, which is not murder nor excusable nor justifiable homicide, nor manslaughter first degree. (Sec. 9)
(5) Causing death of a pregnant woman in abortion. (Sec. 14)

2. RAPE

(1) Ravishing and carnally knowing any woman, committing carnal copulation with her by force and against her will, or unlawfully carnally knowing any woman child under the age of 16 years. (Sec. 16)
(2) Assault with intent to commit rape. (Sec. 21)
(3) All attempts.

3. ROBBERY

(1) Feloniously stealing, robbing and taking from the person of another by assault or by violence and putting in fear, any money, goods, chattels or other property which is the subject of larceny. (Sec. 18)
(2) Assault with intent to commit robbery. (Sec. 21)
(3) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to commit homicide. (Sec. 21)
(2) Assault with intent to maim or disfigure by maliciously cutting ear or tongue, putting out an eye, slitting or cutting off the nose or lips, or cutting off or disabling any limb or member of any person. (Sec. 17)
(3) Wilful and malicious obstruction of any railroad. (Ch. 380, Sec. 1)

(4) Meeting another person and engaging in a fight, by previous appointment. (Ch. 392, Sec. 24)
(5) All attempts.

Omit

(1) Assault with intent to commit any crime. [See Rape (2), Robbery (2), Burglary (9).] (Sec. 21)
(2) Assaulting or beating another. (Sec. 22)
(3) Assault of an aggravated nature. (Sec. 23)
(4) Assaulting or obstructing an officer in the service of a lawful process. (Ch. 394, Secs. 5, 6, 7, 8)
(5) Attempting to procure abortion. (Ch. 392, Secs. 12, 13)
(6) Death of woman in abortion. [See Felonious Homicide (5).] (Sec. 14)
(7) Fighting outside the state by previous appointment within. (Sec. 25)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering any dwelling house in the night time with intent to commit murder, mayhem, rape or robbery. (Ch. 390, Sec. 1)
(2) Breaking and entering in the night time any dwelling house, office, bank, shop, store or warehouse, or any vessel lying within the body of any county, with intent to commit any other crime the punishment whereof may be imprisonment for more than one year, or to commit any larceny. (Sec. 2)
(3) Breaking or entering, in the night time, or in the day time breaking and entering any building, or any vessel lying within the body of any county or any freight or passenger car, and committing larceny therein. (Sec. 3)
(4) Breaking or entering, in the night time, or in the day time breaking and entering as described in Section 3, with intent to commit any crime the punishment whereof may be imprisonment for more than one year, or with intent to commit any larceny. (Sec. 4)
(5) Breaking and entering in the night time any building in which there is a human being, with intent to commit a larceny therein, and committing such larceny by means of explosives. (Sec. 8)
(6) Same, in the day time. (Sec. 9)
(7) Same, uninhabited building in the night time. (Sec. 10)
(8) Same, uninhabited building in the day time. (Sec. 11)
(9) Assault with intent to commit burglary. (Ch. 392, Sec. 21)
(10) All attempts.
(11) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession, mending, etc., of burglars' tools. (Ch. 390, Sec. 12)
(2) Breaking or entering in the night time, or in the day time breaking and entering any dwelling house and committing assault and battery upon the person of any inmate thereof. (Sec. 5)
(3) Breaking or entering in the night time, or in the day time breaking and entering, any building, or vessel lying within the body of any county, with intent to commit any crime or offense not hereinbefore described. (Sec. 6)
Note: Omit here cases of breaking or entering, etc., without felonious intent.

6. LARCENY—THEFT (except auto theft)

(1) Stealing, taking and carrying away of the property of another, any money, bank bills, goods or chattels, or writing containing evidence of an existing debt, etc., of value of $20. (Ch. 389, Sec. 3)
(2) Same, of value of $10 and less than $20. (Sec. 4)
(3) Same, of value less than $10. (Sec. 5)
(4) Larceny from the person. (Sec. 1)
(5) Larceny of goods at a fire. (Sec. 7)
(6) Horses, cattle, sheep, poultry, etc. (Sec. 2)
(7) Deeds, wills, public records, etc. (Sec. 6)
(8) Anything which is parcel of the realty or annexed thereto, taken by a trespass with intent to steal. (Sec. 9)
(9) Entering garden or improved land of another and destroying or injuring any tree, shrub or vine, or stealing live stock, poultry, fruit or other product there growing or being, or entering with such intent. (Ch. 380, Sec. 7)
(10) Carrying away or collecting to carry away any seaweed or rockweed, etc., on the seashore below high-water mark; or on any salt marsh or flats without leave of owner. (Secs. 24 to 26)
(11) All attempts.

Omit

(1) Wilfully and without claim of right taking or using any boat or vehicle, horse or other draught animal, without consent but not with intent to steal. (Sec. 37)
(2) Fraudulent conversion, etc., by bailees. (Ch. 389, Sec. 8)
(3) Making, drawing, etc., check, etc., without sufficient funds, or obtaining property thereby. (Sec. 11)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Wilfully and without claim of right taking or using any automobile or motor cycle without consent but not with intent to steal. (Ch. 380, Sec. 37)

NEW JERSEY

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Compiled Statutes of New Jersey (1709-1910).
Cumulative Supplement to the Compiled Statutes of New Jersey (1911-1924).
Laws of 1925, 1926, 1927, 1928, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: murder perpetrated by means of poison or lying in wait, or any other kind of wilful, deliberate or premeditated killing, or committed in perpetrating or attempt to perpetrate any arson, burglary, rape, robbery or sodomy. (Cum. Supp. 1924, Vol. I, Sec. 52-107)

(2) Second degree: all other kinds of murder. (Sec. 52-107)

Note: The common law definition, viz., that murder is the killing of a human being with malice aforethought, is the law of this state. State v. Zellers (1823) 7 N.J.L. 220; Graves v. State (1883) 45 N.J.L. 347; State v. Agnew (1887) 10 N.J.L.J. 165; State v. Carlino (1922) 98 N.J.L. 48.

(3) Killing another in the commission of or attempt to commit arson, burglary, rape, robbery, sodomy or any unlawful act against the peace of the state, of which the probable consequence may be bloodshed; or death of anyone ensuing from the committing or attempt to commit any such crime or act; or killing any judge, magistrate, sheriff, coroner, constable or other officer of justice, civil or criminal, of this state, or marshall or other officer of justice of the United States, in execution of his office or duty, or any of his assistants, whether specially called or not, endeavoring to preserve the peace or apprehend a criminal, knowing the authority of such assistant; or killing a private person endeavoring to suppress an affray or apprehend a criminal, knowing the intention with which such private person interposes. (Comp. Stats. 1910, Vol. 2, p. 1779, Sec. 106)

(4) Manslaughter: penalty clause. (p. 1781, Sec. 109)

Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful and felonious killing of a human being without malice, express or implied, either on sudden quarrel, not in self-defense, or unintentionally, while in the commission of an unlawful act, is the law of this state. State v. Zellers (1823) 7 N.J.L. 220; State v. Agnew (1887) 10 N.J.L.J. 165.

2. RAPE

(1) Carnal knowledge of a woman forcibly and against her will; or being 16 or over and unlawfully and carnally abusing a woman child under 12, with or without her consent, or a woman child over 12 and under 16, with or without her consent. (p. 1783, Sec. 115)

(2) Having carnal knowledge of any female who is an inmate of a home for feeble-minded women or girls and boys in this State, with or without her consent. (Cum. Supp. 1924, Vol. 1, Sec. 52-66a)

(3) Assault with intent to commit rape or to carnally abuse a woman child under 16, with or without her consent. (Comp. Stat. 1910, Vol. 2, p. 1782, Sec. 113)
(4) All attempts.

3. ROBBERY

(1) Forcibly taking from the person of another, money or personal goods and chattels, of any value whatever, by violence, or putting him in fear. (p. 1785, Sec. 120)
(2) Wilfully or maliciously assaulting another with any offensive weapon or instrument or by menaces or in and by other forcible and violent manner and means demanding money, personal goods and chattels of another, with intent to rob him. (Sec. 121)
(3) Assault with intent to rob. (p. 1782, Sec. 113)
(4) Committing or attempting to commit robbery when armed. (Laws 1927, Ch. 321, p. 742, Sec. 2)
(5) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill. (Comp. Stats. 1910, Vol. 2, p. 1782, Sec. 113)
(2) Committing an atrocious assault and battery by maiming or wounding another. (Sec. 113)
(3) Assaulting the United States President, etc., or foreign ruler with intent to kill and to show hostility to all government, where death does not result. (p. 1744, Sec. 5d)
(4) Wilful poisoning of any person done or attempted to be done with intent to kill although death does not ensue. (p. 1782, Sec. 111)
(5) Dueling. (p. 1758, Sec. 38)
(6) From premeditated design, evinced by lying in wait for the purpose, or in any other manner, or with intent to kill, maim, or disfigure: cutting out or disabling the tongue, putting out an eye, cutting off or slitting the lip, cutting off, slitting or destroying a nose or ear, cutting off or disabling any limb or member of another, wilfully and on purpose. (p. 1782, Sec. 112)
(7) Wounding an officer serving or executing warrant for search for liquor sold, etc., in violation of law. (Cum. Supp. 1924, Vol. I, Sec. 100-294)
(8) Same, process server. (Comp. Stats. 1910, Vol. 2, p. 1745, Sec. 6)
(9) All attempts.

Omit

(1) Committing or attempting to commit assaults and batteries. (p. 1758, Sec. 40)
(2) Challenging, seconding, etc., duels. (p. 1758, Sec. 38)
(3) Assaulting or beating an officer serving or executing a warrant for search for liquor sold, etc., in violation of law. (Cum. Supp. 1924, Vol. I, Sec. 100-294)
(4) Same, an officer in service of process, etc. (Comp. Stats. 1910, Vol. 2, p. 1745, Sec. 6)
(5) Committing or attempting to commit an assault while armed. (Laws 1927, Ch. 321, p. 742, Sec. 1)
(6) Throwing sticks and stones or shooting at or into street or railroad car. (Comp. Stats. 1910, Vol. 2, p. 1928, Sec. 8a)
(7) Assault with intent to rape. [See Rape (3).] (p. 1782, Sec. 113)
(8) Assault with intent to rob. [See Robbery (2), (3).] (p. 1785, Sec. 121, p. 1782, Sec. 113)

(9) Assault with intent to commit burglary. [See Burglary (6).] (p. 1782, Sec. 113)
(10) Assault with intent to commit sodomy. (p. 1782, Sec. 113)

5. BURGLARY—BREAKING OR ENTERING

(1) Wilfully or maliciously breaking and entering by night any church, meeting-house, dwelling, shop, warehouse, mill, barn, stable, outhouse, railway car, canal boat, ship or vessel or other building whatever, with intent to kill, rob, steal, commit rape, mayhem or battery. (p. 1787, Sec. 131)
(2) Same,—adding "storehouse"—by day. (Sec. 132)
(3) Wilfully or maliciously entering same without breaking either by day or night, with such intent. (Sec. 133)
(4) Breaking or entering buildings as in Section 131, adding "banking-house," with intent to kill, rob or steal and using or attempting to use nitro-glycerine or other high explosive. (Sec. 134a)
(5) Committing or attempting to commit burglary or breaking and entering when armed. (Laws 1927, Ch. 331, p. 742, Sec. 2)
(6) Assault with intent to commit burglary. (Comp. Stats. 1910, Vol. 2, p. 1782, Sec. 113)
(7) All attempts.
(8) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing burglar's tools, etc. (p. 1787, Sec. 134)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the wrongful or fraudulent taking and carrying away of the personal goods of another, without any color of right, and with intent to deprive the owner wholly of his property in them, is the law of this state. State v. South (1859) 28 N.J.L. 28; State v. Davis (1875) 38 N.J.L. 176; Gardner v. State (1892) 55 N.J.L. 17; State v. Bullit (1900) 64 N.J.L. 379.
(2) Stealing any money or personal goods and chattels of another; or severing, etc., carrying away or unlawfully appropriating with intent to steal any fixtures, produce, ore, animals, fish, etc., etc., of another, where the value is $20 or over. (p. 1792, Sec. 158)
(3) Same, where the value is under $20. (Sec. 158)
(4) Larceny from the person. (p. 1785, Sec. 122)
(5) Bank bills or notes, etc. (p. 1793, Sec. 159)
(6) Will, deed, contract, etc., etc., or testamentary instrument. (Secs. 160, 161)
(7) Domestic fowl; identifiable homing pigeon. (p. 1794, Secs. 162, 163)
(8) Fish from nets in Atlantic Ocean, within jurisdiction of the state; from fishery, etc. (p. 1789, Sec. 141; p. 1794, Secs. 163a, b)
(9) Water, gas, electricity. (p. 1789, Sec. 142; p. 1794, Secs. 164, 164a)
(10) Ice on surface of lake or body of water privately owned. (Cum. Supp. 1924, Vol. I, Sec. 52-166a)
(11) Court records. (Comp. Stats. 1910, Vol. 2, p. 1747, Sec. 14)
(12) Grain, fences, lumber, trees, vegetables, etc., or timber. (p. 1788, Secs. 135, 138)
(13) Drift lumber or boats, by carrying away, secreting or appropriating same without complying with timber act. (p. 1789, Sec. 139)
(14) Stranded goods on the sea, shore, etc. (Vol. 4, p. 5878, Sec. 10)
(15) All attempts.

Omit

(1) Unauthorized use: taking animals *temporarily* without consent of owner. (Vol. 2, p. 1794, Sec. 165)
(2) Tenant in possession severing any fixture from the freehold. (p. 1788, Sec. 136)

7. AUTO THEFT

(1) Feloniously taking or stealing any motor vehicle. (Cum. Supp. 1924, Vol. I, Sec. 52-241)
(2) All attempts.

Omit

(1) Operating or using any motor vehicle without permission of owner. (Sec. 135-63[1])
(2) Hiring a motor vehicle with intent to defraud. (Laws 1928, Ch. 27, Sec. I, p. 42)

Note: Omit only cases where no intent to steal appears.

NEW MEXICO

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
New Mexico Statutes (annotated) Codification 1915.
Laws of the State of New Mexico 1915, 1917, 1919, Special Session 1920, 1921, 1923, 1925, 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being with malice aforethought, either express or implied, effected by any of the various means by which death may be occasioned. (Cod. 1915, Sec. 1456)

(2) First degree: all murder perpetrated by means of poison or lying in wait, torture, or by any kind of wilful, deliberate and premeditated killing, or committed in perpetration of or attempt to perpetrate any felony, or from a deliberate and premeditated design unlawfully and maliciously to effect the death of any human being, or perpetrated by any act greatly dangerous to the lives of others and indicating a depraved mind regardless of human life. (Sec. 1459)

(3) First degree: wilfully igniting a fire within a mine, whereby life of any person be lost. (Sec. 3513)

(4) Second degree: all other kinds of murder. (Sec. 1459)

(5) Second degree: death of a child under 10, caused by parent or person to whom it shall have been confided, exposing it with intent wholly to abandon it. (Laws 1925, Ch. 108, p. 183, Sec. 2)

(6) Causing death by interference with journal brasses on locomotives or cars, etc. (Cod. 1915, Sec. 1645)

(7) Same, by obstructing or interfering with railroad tracks. (Sec. 1646)

(8) Death of jailer occasioned by an assault on a jail. (Sec. 3059)

(9) Manslaughter: the unlawful killing of a human being without malice.
Voluntary manslaughter: killing upon a sudden quarrel or in the heat of passion.
Involuntary manslaughter: killing in the commission of an unlawful act not amounting to felony, or in commission of a lawful act which might produce death, in an unlawful manner, or without due caution or circumspection. (Sec. 1460)

(10) Physician while in a state of intoxication, without design to effect death administering poison, drug or medicine, etc., which produces death. (Sec. 1465)

(11) Death of woman by administering drug, etc., with intent to destroy unborn quick child, unless necessary to preserve life of mother, or advised by physician to be so necessary. (Sec. 1464)

Omit

(1) Killing of an unborn infant child by an injury to its mother, which would be murder if death of mother resulted thereby. (Sec. 1463)

(2) Death of child during abortion. (Sec. 1464)

(3) Assisting another in the commission of self-murder. (Sec. 1462)

(4) Being the second of either party in a duel resulting in death. (Sec. 1466)

2. RAPE

(1) Perpetrating rape or an act of sexual intercourse with a female when the female is under 16; or when the female is over 16 but through idiocy, imbecility or any unsoundness of mind, temporary or permanent, is incapable of giving consent; or when her resistance is forcibly overcome, or when her resistance is prevented by stupor or weakness produced by an intoxicating, narcotic or anesthetic agent, administered by or with the privity of the defendant. (Sec. 1493, amended Laws 1923, Ch. 110, p. 174, Sec. 2)
(2) Unlawfully and carnally knowing and abusing any female child under 10. (Sec. 1495)
(3) Assault with intent to commit rape. (Sec. 1485, amended Laws 1923, Ch. 110, p. 174, Sec. 1)
(4) All attempts.

3. ROBBERY

(1) Assaulting another, and feloniously robbing, stealing and taking from such person any money or other property which may be the subject of larceny, such robber being armed with a dangerous weapon. (Sec. 1491, amended Laws 1921, Ch. 20, p. 23)
(2) By force and violence, or by assault and putting in fear, feloniously robbing, stealing and taking from the person of another, any money or other property which may be the subject of larceny, such robber not being armed with a dangerous weapon. (Sec. 1492)
(3) Assault with intent to rob, being armed with a dangerous weapon. (Sec. 1483)
(4) Assaulting another with force and violence, with intent to rob and steal, not being armed with a dangerous weapon. (Sec. 1484)
(5) Assault on a railroad train with intent to rob. (Sec. 1642)
(6) Confining, maiming, injuring, wounding or maltreating or intimidating or threatening with any such wrong any person, with intent to rob any bank or any safe or depository of money, within such bank, or other office, store, building, etc. (Laws 1925, Ch. 70, p. 98)
(7) Taking by force or intimidation, any money, goods or other valuable thing from premises of any banking institution in the state; same, by use of a deadly weapon. (Laws 1929, Ch. 61, p. 86)
(8) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill. (Laws 1929, Ch. 44, p. 71)
(2) Assault with intent to murder or maim. (Cod. 1915, Sec. 1480; Sec. 1481 as amended by Laws 1921, Ch. 65, p. 130)
(3) Attempting to commit murder by poisoning, drowning or strangling another person. (Sec. 1467)
(4) Mingling poison with food, drink or medicine with intent to kill or injure any other person or wilfully poisoning any spring, well or reservoir of water with such intent. (Sec. 1482)
(5) Assault on a railroad train with intent to commit murder. (Sec. 1642)
(6) Interfering with journal bearings or brasses on a railroad locomotive or car, causing injury to any person is assault with intent to commit murder. (Sec. 1645)
(7) Obstructing or interfering with railroad track, resulting in injury to the person of another is assault with intent to commit murder. (Sec. 1646)
(8) Unlawfully assulting or striking at another with a deadly weapon. (Sec. 1704)

(9) Maliciously taking explosives near or into any building, railroad, etc., or other place where human beings usually are, with intent to injure or destroy such structure or injure, intimidate or terrify any human being, or by means of which any human being is injured or endangered, or property injured or destroyed. (Laws 1923, Ch. 115, p. 179, Sec. 2)
(10) Engaging in a duel with deadly weapons although no homicide ensues. (Cod. 1915, Sec. 1477)
(11) With malicious intent to maim or disfigure, cutting out or maiming the tongue, putting out or destroying an eye, cutting or tearing off an ear, cutting or slitting or mutilating the nose or lip, cutting off or disabling a limb or member of any person, or committing any other great bodily injury. (Sec. 1476)
(12) Assaulting another with intent to murder or to maim, disfigure or injure his person in any of the ways mentioned in section 1476. (Sec. 1481, amended Laws 1921, Ch. 65, p. 130)
(13) Knowingly wounding an officer authorized to serve or execute search warrants for intoxicating liquor. (Laws 1927, Ch. 89, p. 266, Sec. 4)
(14) Unlawfully striking or wounding another. (Cod. 1915, Sec. 1489)
(15) Wounding officer or other authorized person serving judicial writ or process. (Sec. 1666; also Laws 1927, Ch. 89, p. 266, Sec. 4)
(16) Derailing trains or attempting to derail trains. (Cod. 1915, Sec. 1651)
(17) Placing explosives near tracks with intent to throw locomotives or cars. (Sec. 1653)
(18) Opening or closing a switch and throwing or ditching locomotives or cars or attempting same. (Sec. 1654)
(19) All attempts.

Omit

(1) Challenging, accepting challenge, seconding, etc., at duels; posting for failure to fight a duel. (Secs. 1478, 1479)
(2) Seconding a duel resulting in death. [See Felonious Homicide **Omit** (4).] (Cod. 1915, Sec. 1466)
(3) Unlawfully touching another in a rude, insolent and angry manner. (Sec. 1487)
(4) Unlawfully assaulting or threatening another in a menacing manner. (Sec. 1489)
(5) Insulting another personally against his honor, reputation, etc., in a gross or angry manner. (Sec. 1490)
(6) Assaulting a house. (Secs. 1585, 1587)
(7) Same, for the purpose of entering. (Sec. 1586)
(8) Assaulting and beating officer or other authorized person serving writ, etc. (Sec. 1666; also Laws 1927, Ch. 89, p. 266, Sec. 4)
(9) Unlawfully, wilfully or wantonly assaulting one's wife or treating her with cruelty or violence. (Cod. 1915, Sec. 1486)
(10) Aiding, counseling and abetting interference with trains. (Sec. 1652)
(11) Committing an assault or threatening bodily injury while wearing mask, etc. (Laws 1923, Ch. 4, p. 6, Sec. 5)
(12) Assault with intent to rape. [See Rape (3).] (Sec. 1485, amended Laws 1923, Ch. 110, p. 174, Sec. 1)
(13) Assault with intent to rob. [See Robbery (3) to (6).] (Secs. 1483, 1484, 1642; Laws 1925, Ch. 70, p. 98)
(14) Assault with intent to commit burglary. [See Burglary (8), (9)] (Cod. 1915, Secs. 1480, 1642)
(15) Assault with intent to commit other felony. (Sec. 1480)
(16) Attempt to murder by means not constituting an assault. (Sec. 1467)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering any dwelling in the night time, with intent to commit the crime of murder, rape, theft, larceny, or any felony, or having entered with such intent, breaking any such dwelling house in the night time, any person being lawfully therein, and the offender being armed with a dangerous weapon at the time of such breaking or entering, or so arming himself in such house, or making an actual assault on any person lawfully therein. (Sec. 1519, amended Laws 1921, Ch. 78, p. 146)

(2) Breaking and entering, or having entered, breaking any dwelling house in the night time, with intent as in section 1519, the offender not being armed, not arming himself in such house, nor making any assault upon any person then being lawfully therein. (Sec. 1520)

(3) Breaking and entering in the night time any office shop or warehouse, not adjoining to nor occupied as a dwelling house, with intent to commit the crime of murder, rape, robbery, larceny or any other felony. (Sec. 1521)

(4) Entering in the night time, with or without breaking, or breaking and entering in the day time any dwelling or outhouse thereto adjoining and occupied as such, or any office, shop, warehouse or mine, with intent to commit crime of murder, rape, robbery, larceny or any other felony. (Sec. 1522)

(5) Breaking and entering in the night time or day time any meeting house, church, court house, town house, college, academy or any other public building erected for public use, and stealing therefrom. [See Larceny (6).] (Sec. 1533)

(6) Entering by force or otherwise in the day or night time any car of any railroad company operating a railroad within this State, and with intent to steal any valuable thing then and there being, or wilfully and wrongfully breaking any seal placed upon any car by such railroad company. (Sec. 1648)

(7) Breaking and entering with intent to commit crime either by day or night any building whether inhabited or not, and opening or attempting to open any vault, etc., by use of any explosive. (Laws 1921, Ch. 36, p. 58)

(8) Assault with intent to commit burglary. (Cod. 1915, Sec. 1480)

(9) Assault on a railroad train with intent to commit burglary. (Sec. 1642)

(10) All attempts.

(11) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Making, possessing, etc., burglar's tools. (Laws 1925, Ch. 63, p. 90)

(2) Entering in any manner any house occupied by any person by breaking or piercing the wall or without breaking the same, climbing upon any roof or in any other manner entering any house, without the consent of the occupant or owner thereof, or having pierced the wall, being prevented from entering by reason of detective or other obstruction. (Cod. 1915, Sec. 1524)
Note: No intent charged.

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law of definition, viz., that larceny is the felonious stealing, taking and carrying away of the personal goods of another, without the consent of the owner and with intent to deprive him of his property, is

the law of this state. State v. Curry (1927) 252 Pac. 994; State v. Roberts (1914) 18 N. Mex. 480; State v. Parry (1920) 26 N. Mex. 473.

(2) Grand larceny: stealing of the property of another, any money, goods or chattels, or bank note, etc., or deed, contract, writ, process or public record, of value exceeding $20.00. (Sec. 1525)

(3) Petit larceny: same, of value not exceeding $20.00. (Sec. 1528)

(4) Grand larceny from dwelling house, etc.: stealing from a dwelling house, store, warehouse or other house, day or night, goods, chattels, money or property of value exceeding $10.00. (Sec. 1531)

(5) Petit larceny from dwelling house, etc.: same, of property of value less than $10.00. (Sec. 1532)

(6) Committing crime of larceny in any dwelling house, shop or warehouse. (Sec. 1533)

(7) Larceny from the person. (Sec. 1534)

(8) Machine or implement or part thereof or tools, materials, oil or supplies belonging to the state and intended for use in maintenance of public highways. (Laws 1927, Ch. 77, p. 255, Sec. 1)

(9) Any automobile tire, part, equipment, etc., from an automobile. (Laws 1923, Ch. 122, p. 186)

(10) Ore or mineral from any mine, the property of another. (Cod. 1915, Secs. 1526, 1527)

(11) Dogs, cats and domesticated fowl and birds. (Sec. 26)

(12) Public records. (Sec. 4803)

(13) Floating logs, timber, etc., stamped with recorded brand. (Sec. 3377)

(14) Statutes, books, or other property from any church or its inclosures in the state. (Laws 1923, Ch. 63, p. 104)

(15) Any book or other property from the State Library where such taking is felonious. (Laws 1915, Ch. 47, p. 56, Sec. 10)

(16) Taking or using water from community ditch or dam, contrary to orders of person in charge. (Laws 1923, Ch. 81, p. 137)

(17) Livestock:

a. Branding animal of another with other than recorded brand of owner, or defacing or obliterating brand on any animal. (Cod. 1915, Sec. 1609, amended Laws 1919, Ch. 56, p. 132)

b. Knowingly branding any unbranded horse, neat cattle, etc., with other than recorded brand of owner. (Sec. 1610, amended Laws 1919, Ch. 57, p. 133)

c. Person other than owner or possessor driving animals from usual range. (Sec. 1611)

d. Skinning or removing any part of the hide of any neat cattle found dead, without permission of owner; except of animals killed by railroad companies, by employees. (Sec. 1612)

e. Stealing, etc., or knowingly killing or driving, etc., away or depriving owner of immediate possession in any manner of any neat cattle, horse, etc. Same, where owner is unknown. (Sec. 1613, amended Laws 1921, Ch. 123, p. 221)

Note: All cases of felonious taking, stealing, driving, etc., and carrying away of animals referred to in sections 1609 to 1612 inclusive, deemed grand larceny. (Sec. 1614)

f. Drover, owner, etc., of animals failing to separate mixed stock. (Sec. 31)

g. Killing for sale or use any unbranded neat cattle, etc. (Sec. 1623)

h. Taking up and detaining in any enclosure cows of another for purpose of milking, or in any herd of cattle for a like purpose, without written consent of owner. (Sec. 1624)

(18) Severing, taking, etc., trees, wood, timber, grain, fruit, etc., or produce or anything attached to the freehold of another. (Secs. 1575, 1577; Laws 1923, Ch. 33, p. 53)

(19) Obtaining property or services by fraudulent operation of automatic slot machine or other coin receptacle. (Laws 1929, Ch. 203, Sec. 1, p. 419)

(20) All attempts.

Omit

(1) Making, drawing, etc., check, draft or order with intent to defraud, without sufficient funds; obtaining money or property thereby. (Laws 1919, Ch. 132, p. 284, amended Laws 1929, Ch. 126, p. 288)

(2) Falsely personating another and receiving money or property with intent to convert. (Cod. 1915, Sec. 1535)

(3) Embezzling any neat cattle, horse, etc. (Sec. 1613, amended Laws 1921, Ch. 123, p. 221

(4) Breaking and entering any public building and stealing therefrom. [See Burglary (5).] (Sec. 1533)

(5) Selling, etc., hired property—goods and animals—without consent in writing of owner. (Sec. 1569)

(6) Unlawfully and without authority removing waste or packing from journal boxes of engine, passenger coach, etc.; interfering with journal bearings or brasses on railroad locomotive or car. (Secs. 1645, 1649)

(7) Taking up or retaining any estray animal, without giving notice as provided; finding and disposing of estray sheep, without reporting same as provided. (Secs. 164, 188)

(8) Knowingly importing stolen sheep. (Sec. 186)

(9) Driving away, selling or disposing of livestock levied upon under process, or rounding up same with intent to defeat such levy. (Sec. 4535)

(10) Knowingly selling neat cattle, etc., of another. (Sec. 1613, amended Laws 1921, Ch. 123, p. 221)

(11) Selling or trading neat stock, not having seller's recorded mark or brand on it, nor bill of sale, etc., from owner; purchasing and killing same for sale or use; selling sheep not bearing seller's recorded brand, etc. (Secs. 1615, 1623, 192)

(12) Taking up and detaining any bull in any enclosure, for purpose of improving stock. (Sec. 1627)

(13) Unlawful user of horse, etc., taken up from range, without consent. (Secs. 1616, 1617)

(14) Disposing of personal property held under conditional sales contract, without written consent. (Laws 1929, Ch. 46, Secs. 2, 3)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)

(2) Stealing motor vehicle of the state, intended for use in maintenance of public highways. (Laws 1927, Ch. 77, p. 255, Sec. 1)

(3) All attempts.

Omit

(1) Purposely taking, driving or operating upon any public highway any vehicle without consent of the owner thereof. (Laws 1919, Ch. 150, p. 304, Sec. 28)
Note: Omit only cases where no intent to steal appears.

(2) Embezzling any motor vehicle belonging to the state and intended for use in maintenance of public highways. (Laws 1927, Ch. 77, p. 255, Sec. 1)

NEW YORK

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
The Consolidated Laws of New York, Annotated (1916). By William M. McKinney. Book 39, Penal Law. Supplement, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: killing of a human being from a deliberate and premeditated design to effect the death of the person killed, or of another; or by an act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although without premeditated design to effect the death of any individual; or without a design to effect death, by a person engaged in the commission of or attempt to commit a felony; or when perpetrated in committing arson in the first degree; or by wilfully wrecking a train. (Penal Law 1916, Sec. 1044)

(2) Second degree: killing of a human being with a design to effect the death of the person killed, or of another, but without deliberation and premeditation. (Sec. 1046)

(3) Manslaughter: homicide in a case other than specified in sections 1044, 1046, and 1047, not being justifiable or excusable. (Sec. 1049)

(4) First degree: homicide committed without a design to effect death, by a person engaged in committing or attempting to commit a misdemeanor, affecting the person or property of another; or in the heat of passion, but in a cruel or unusual manner, or by means of a dangerous weapon; or by administering any medicine, etc., to a woman with intent to procure a miscarriage, unless necessary to preserve her life, and which results in her death. (Sec. 1050)

(5) Second degree: homicide committed without a design to effect death, by a person committing or attempting to commit a trespass, or other invasion of a private right, either of the person killed or of another, not amounting to a crime; or in the heat of passion, but not by a dangerous weapon nor by cruel or unusual means, or by any act, procurement or culpable negligence of any person, not constituting murder, nor manslaughter in the first degree. (Sec. 1052)

(6) Second degree: death caused by negligence or misconduct in a business or employment, or in the use or management of machinery, animals or property of any kind, or any unlawful negligent or reckless act not hereinbefore specified. (Same)

(7) Second degree: death by mischievous animal wilfully suffered to go at large or kept without ordinary care by owner. (Same)

(8) Second degree: death by wilfully or negligently overloading vessel run for gain. (Same)

(9) Second degree: death from ignorant, reckless or negligent operation of passenger steamboat boiler or engine. (Same)

(10) Second degree: death from wilful, ignorant or negligent operation of boiler or engine in a boat or railway, manufactory or other mechanical works. (Same)

(11) Second degree: death by physician or other person administering drug, etc., without design to effect death, while intoxicated. (Same)

(12) Second degree: death by explosives unlawfully made or kept. (Sec. 1052)

Omit

(1) Death by duel fought without the state; fighting or engaging in or assisting such duel. (Sec. 1047)
(2) Wilful killing of an unborn quick child, by any injury upon the person of the mother; or the death of such child occasioned by administering medicine, etc., to the mother with intent to procure a miscarriage, unless necessary to preserve her life. (Sec. 1050)
(3) Death of an unborn quick child by mother using or submitting to the use of any means with intent to produce her own miscarriage, unless necessary to preserve her own or the child's life. (Sec. 1052)

2. RAPE

(1) First degree: perpetrating an act of sexual intercourse with a female not the wife of the perpetrator, against her will or without her consent; or when through idiocy, imbecility or any unsoundness of mind, either temporary or permanent, she is incapable of giving consent, or by reason of mental or physical weakness, or immaturity, or any bodily ailment, she does not offer resistance; or when her resistance is forcibly overcome; or her resistance is prevented by fear of immediate and great bodily harm, which she has reasonable cause to believe will be inflicted upon her; or is prevented by stupor or weakness of mind produced by an intoxicating, narcotic or anesthetic agent, or she is known by the defendant to be in such state from any cause; or when she is at the time unconscious of the nature of the act and this is known to the defendant, or when she is in the custody of the law, or of any officer thereof, or in any place of lawful detention, temporary or permanent. (Sec. 2010)
(2) Second degree: perpetrating an act of sexual intercourse with a female, not the wife of the perpetrator, under 18, under circumstances not amounting to rape in the first degree. (Sec. 2010)
(3) Assault with intent to commit rape. (Secs. 240, 242)
(4) Maiming with intent to commit rape. (Sec. 1400)
(5) All attempts.

Omit

(1) Male person, 18 or over, carnally abusing the body or indulging in indecent or immoral practices with the sexual parts or organs of a female child of 10 years or under. (Supp. 1929, Sec. 483-a)
(2) Same, of female child over 10 and under 16. (Sec. 483-b)

3. ROBBERY

(1) The unlawful taking of personal property, from the person or in the presence of another, against his will, by means of force, or violence, or fear of injury, immediate or future, to his person or property, or those of a relative or member of his family, or of anyone in his company at the time. (Penal L. 1916, Sec. 2120)
(2) First degree: an unlawful taking or compulsion, if accomplished by force or fear, in a case as specified, when committed by a person who is armed with a dangerous weapon, or being aided by an accomplice actually present, or being aided by the use of an automobile or motor vehicle, or when the offender inflicts grievous bodily harm upon the person from whose possession or in whose presence the property is taken or upon his relation, member of his family or companion. (Supp. 1929, Sec. 2124)

(3) Second degree: such unlawful taking or compulsion, accomplished by force or fear, in a case as specified, but not under circumstances amounting to robbery in the first degree, when accomplished by the use of violence, or by putting the person robbed in fear of immediate injury to his person or that of some one in his company. (Penal L. 1916, Sec. 2126)
(4) Third degree: robbery under circumstances not amounting to robbery in the first or second degree. (Sec. 2128)
(5) Assault with intent to rob. (Secs. 240, 242)
(6) Maiming with intent to rob. (Sec. 1400)
(7) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with firearm or force likely to produce death or poison, etc., with intent to kill. (Sec. 240)
(2) Assault by poison or infliction of bodily harm, with or without a weapon. (Sec. 242)
(3) Poisoning food or drink. (Sec. 1760)
(4) Dueling. (Sec. 731)
(5) Wilfully, with intent to injure, disfigure or disable another with an injury, seriously disfiguring his person by any mutilation or destroying or disabling any member or organ of his body, or seriously diminishing his physical vigor by injury of any member or organ. (Sec. 1400)
(6) Assault with explosives, etc. (Sec. 1895)
(7) Obstruction of railroads. (Sec. 1991)
(8) All attempts.

Omit

(1) Maiming self to escape performance of a duty or to obtain alms. (Secs. 1402, 1403)
(2) Assault or assault and battery other than as specified in sections 240 and 242. [See (1), (2), above.] (Sec. 244)
(3) Driving a motor vehicle or any vehicle in a culpably negligent way whereby another suffers bodily harm. (Sec. 244)
(4) Challenging, sending or accepting a challenge to duel; aiding or abetting; inducing a challenge; posting another for not fighting or challenging; leaving the state to evade law. (Secs. 730, 732, 733, 734, 735)
(5) Making, possessing, etc., explosives. (Sec. 1894)
(6) Assault with intent to commit felony, or resist execution of legal process, or by administering narcotic with intent to commit crime. [See Rape (3), Robbery (5), Burglary (4).] (Secs. 240, 242)
(7) Harsh, cruel or unkind treatment of or neglect of duty toward person incompetent to care for himself. (Sec. 1123[2])
(8) Maiming with intent to commit a felony. [See Rape (4), Robbery (6), Burglary (5).] (Sec. 1400)

5. BURGLARY—BREAKING OR ENTERING

(1) First degree: breaking and entering, with intent to commit some crime therein, in the night time, the dwelling house of another, in which there is at the time a human being: (a) being armed with a dangerous weapon, or (b) arming self therein, or (c) being assisted by a confederate actually present, or (d) while engaged in the night time in effecting such entrance, committing any crime in such a building, or in escaping therefrom, assaulting any person. (Sec. 402)

(2) Second degree: breaking and entering with intent to commit some crime therein, the dwelling house of another in which there is a human being, under circumstances not amounting to burglary in the first degree. (Sec. 403)
(3) Third degree: breaking and entering, with intent to commit a crime therein, a building, room, or any part of a building; or being in any building, committing a crime therein and breaking out. (Sec. 404)
(4) Assault with intent to commit burglary. (Secs. 240, 242)
(5) Maiming with intent to commit burglary. (See 1400)
(6) All attempts.
(7) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Entering a building, or any part thereof, under circumstances not amounting to a burglary, with intent to commit a felony, larceny or any malicious mischief. [See Larceny (9).] (Sec. 405)
(2) Making, possessing, etc., burglars' tools. (Sec. 408)

6. **LARCENY—THEFT (except auto theft)**

(1) With intent to deprive or deprive or defraud true owner of his property or its use and benefit, or to appropriate same to own or another's use, taking from the possession of the true owner or another any money, personal property, thing in action, evidence of debt or contract, or article of value of any kind. [See **Omit** (1).] (Sec. 1290)
(2) Grand larceny in the first degree: taking property of any value from the person of another in the night time. (Sec. 1294[1])
(3) Grand larceny in the first degree: taking property of value of more than $25 in the night time from any dwelling house, vessel or railway car. (Sec. 1294[2])
(4) Grand larceny in the first degree: stealing property of value of more than $500 in any manner whatever. (Sec. 1294[3])
Note: Do not include here case of property obtained by false pretenses, fraudulent withholding, etc. [See **Omit** (1).]
(5) Grand larceny in the second degree: under circumstances not amounting to grand larceny in the first degree, stealing property of value of more than $100 but not exceeding $500, in any manner whatever. (Supp. 1929, Sec. 1296[1])
Note: Do not include here cases of property obtained by false pretenses, fraudulent withholding, etc. [See **Omit** (1).]
(6) Grand larceny in the second degree: taking property of any value from the person. (Penal L. 1916, Sec. 1296[2])
(7) Grand larceny in the second degree: stealing a record of a court or officer, or a writing or record deposited according to law with any public officer. (Sec. 1296[3])
(8) Petit larceny: every other larceny. (Sec. 1298)
(9) Entering a building, or any part thereof, under circumstances not amounting to a burglary, with intent to commit larceny. (Sec. 405)
(10) When the thing taken is a fixture or part of the realty, or any growing tree, plant, or produce and is severed at the time of taking. (Sec. 1291)
(11) Instrument for payment of money, evidence of theft, passage ticket, etc. (Sec. 1292)

(12) Obtaining any property by fraudulent operation of slot machine or other coin receptacle. (Sec. 1293)
(13) Drawing water from canals. (Sec. 464)
(14) Books, coins, etc., or work of art from library building; or improvement or shade or ornamental tree, etc., from public or private property. (Sec. 1427)
(15) Gas, electricity, steam, water. (Secs. 1431 [1] to [4], [6] to [8]; 1432 [2] to [4])
(16) Arms, ammunition, military stores or supplies of the state from fort, arsenal, etc.; or entering with intent to take. (Sec. 1483)
(17) Personal property from custody of an officer or other person, held under any process of law. (Sec. 1873)
(18) Will or other testamentary instrument. (Sec. 2052)
(19) Opening grave with intent to steal coffin or any part thereof, attachment, vestment or other article interred. (Sec. 2218)
(20) Property from a stranded vessel, or wrecked goods. (Sec. 2480)
(21) Cutting out, altering or defacing marks on logs or lumber or putting false mark on same, on land or waters of the state. (Sec. 1360[2])
(22) Unlawfully removing trees, timber, growing hay or rock, sand, gravel, etc., from canal lands of the state; cutting down or destroying wood or timber growing or cut down and lying on lands of another or of the state; or a fruit, shade or ornamental tree; or severing produce from or anything attached to the freehold of another or of the state; digging, taking or carrying away earth, soil or stone from city lot or street; entering orchard, etc., with intent to take anything there growing or grown; cutting down, etc., shrub, tree or vine therein; carrying away, etc., oysters or shellfish of another legally planted in any water of the state, or fish from private lake or pond. (Secs. 466, 1425 [1], [2], [3], [4], [5], [6], [8], [12])
(23) All attempts.

Omit

(1) With intent to deprive or defraud true owner or to appropriate to own or another's use, obtaining from the possession of the owner or another by color or aid of any false representation or pretense, token or writing, or secreting, withholding or appropriating to own or another's use any money, personal property, thing in action, etc., or article of value of any kind. (Sec. 1290)
(2) Conversion of goods in possession, custody or control of bailee, servant, trustee, etc.; by landlord of deposits made by tenants; of materials furnished for purposes of manufacture or use; of funds in trust for purchase of real estate. (Secs. 1290, 1302, Supp. 1929, Secs. 1302-a, 1310, 1311, 1312)
(3) Obtaining property by false pretenses. (Penal L. 1916, Secs. 932, 937, 938)
(4) Receiving property by false personation. (Sec. 930)
(5) Finding lost property under circumstances giving knowledge or means of inquiry as to the true owner, and appropriating same without reasonable effort to find owner. (Sec. 1300)
(6) Fraudulently concealing or appropriating lost treasure or waived property belonging to the state. (Sec. 949)
(7) Issuing check, etc., without sufficient funds; obtaining money or property thereby; obtaining property by fraudulent order. (Supp. 1929, Secs. 1292-a, 1293)
(8) Obtaining property or credit by false statements. (Penal L. 1916, Sec. 1293-b, and Supp. 1929, Sec. 1293-b [1])
(9) Buying, receiving, etc., stolen property. (Supp. 1929, Sec. 1308)

(10) Cutting or removing wood or timber on mortgaged premises without consent. (Supp. 1929, Sec. 1425-1a)
(11) Retaining, selling or disposing of military property. (Penal L. 1916, Sec. 1484)
(12) Knowingly becoming possessed of and retaining goods from stranded vessel or wrecked property; officer unlawfully detaining same or proceeds. (Secs. 2480, 2482)
(13) Malicious injury to standing crops, fruit or vegetables of another. (Sec. 1426)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Under circumstances not constituting larceny as defined by any other section of this article, without consent of owner taking, using or operating an airplane or other aircraft or an automobile or other motor vehicle, for own profit, use or purpose. (Supp. 1929, Sec. 1293-a)
Note: Include cases of taking with intent to steal under Auto Theft. Omit here cases of unauthorized use without intent to steal.

NORTH CAROLINA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Consolidated Statutes of North Carolina, Annotated.
By A. C. McIntosh, 1919. Vols. I and II.
Supplement, 1924. Vol. III.
North Carolina Cumulative Statutes, 1925.
Public Laws, Session 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: murder perpetrated by means of poison, lying in wait, imprisonment, starving, torture, or by any other kind of wilful, deliberate and premeditated killing, or committed in the perpetration of or attempt to perpetrate any arson, rape, robbery, burglary or other felony. (Cons. Stats. 1919, Vol. I, Sec. 4200)

(2) Second degree: all other kinds of murder. (Sec. 4200)

Note: The common law definition, viz., that murder is the unlawful killing of another with malice aforethought, is the law of this state. State v. Banks (1907) 143 N.C. 652.

(3) Killing adversary in a duel. (Sec. 4203)

(4) Death by wilfully and maliciously obstructing or injuring railroads. (Sec. 4417)

(5) Manslaughter: Penalty clause. (Sec. 4201)

Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, express or implied, either voluntarily, on a sudden quarrel or in the heat of passion, or involuntarily, in the commission of some unlawful act or of a lawful act in an unlawful way, without due caution and circumspection, is the law of this state. State v. Kennedy (1884) 91 N.C. 572; State v. Baldwin (1910) 152 N.C. 822.

(6) Death by unlawfully and purposely but without malice obstructing or injuring railroads. (Sec. 4418)

2. RAPE

(1) Ravishing and carnally knowing any female of age of 12 years or more by force and against her will; or unlawfully and carnally knowing and abusing any female child under the age of 12. (Sec. 4204)

(2) Carnally knowing any married woman by fraud in personating her husband. (Sec. 4207)

(3) Assault in attempting same. (Sec. 4208)

(4) Unlawfully carnally knowing or abusing any female child over 12 and under 14 who has never before had sexual intercourse with any person. (Sec. 4209)

(5) Assault with intent to commit rape. (Sec. 4205)

(6) All attempts.

Omit

(1) Carnal knowledge by any female of a male child under 16. (Sec. 4209)

3. ROBBERY

(1) Not defined by statute. The common law definition, viz., that robbery is the felonious taking of money or goods of any value from the person of another or in his presence against his will, by violence or putting him in fear, is the law of this state. State v. Burke (1875) 73 N.C. 83; State v. Brown (1893) 113 N.C. 645; State v. Holt (1926) 192 N.C. 490.
(2) Robbery armed: unlawfully taking or attempting to take personal property from another or from any place of business, residence, banking institution or other place where there is any person in attendance, either by day or night, having in possession or using or threating to use any firearms or other dangerous weapon whereby the life of any person is endangered. (Pub. Laws 1929, Ch. 187, Sec. 1, p. 237)
(3) Taking by robbery any bank-note, check, certificate of stock, etc. (Cons. Stats. 1919, Vol. I, Sec. 4254)
(4) Entering upon any locomotive engine or car on any railroad in the state and by threats, the exhibition of deadly weapons, or the discharge of any gun in or near such engine or car, inducing any person to submit and deliver up, or allow to be taken therefrom, or from him, anything of value. (Sec. 4266)
(5) Stopping or impeding any locomotive engine or car by intimidation, threats or otherwise, for the purpose of taking and appropriating anything of value. (Sec. 4267)
(6) All attempts, including assault with intent to rob.

Omit

(1) Feloniously stealing any bank-note, check, etc. [See Larceny (4).] (Sec. 4254)

4. AGGRAVATED ASSAULT

(1) Assault with a deadly weapon with intent to kill but resulting in an injury. (Sec. 4214)
(2) Malicious assault by waylaying with a deadly weapon, etc. (Sec. 4213)
(3) Malicious maiming. (Sec. 4212)
(4) Malicious castration. (Sec. 4210)
(5) Castration or other maiming without malice. (Sec. 4211)
(6) Assault with explosives. (Supp. 1924, Sec. 4231a)
(7) Malicious injury, or injury without malice, to railroad property, causing physical injury. (Cons. Stats. 1919, Vol. I, Secs. 4417, 4418)
(8) All attempts.

Omit

(1) Assault by pointing gun. (Sec. 4216)
(2) Hazing. (Sec. 4217)
(3) Injury to prisoner by jailer. (Sec. 4407)
(4) Shooting or throwing at trains or passengers. (Sec. 4419)
(5) Displaying false lights on seashore endangering masters of ships and their charges. (Sec. 4421)
(6) Exploding dynamite cartridges or bombs. (Sec. 4423)
(7) Malicious injury by tramps to person and property. (Sec. 4463)
(8) Assault on election officer while in the discharge of his duties. (Sec. 4419a)
(9) Malicious removal of packing from railway coaches and other rolling stock. (Sec. 4331)
(10) Assault with intent to rape. [See Rape (3), (5).] (Secs. 4208, 4205)
(11) Breaking or entering jails with intent to injure prisoners. (Sec. 4376)

(12) Death from malicious injury to property of railroads. [See Felonious Homicide (4).] (Sec. 4417)
(13) Death from injury without malice to property of railroads. [See Felonious Homicide (6).] (Sec. 4418)

5. BURGLARY—BREAKING OR ENTERING

(1) Burglary as defined at common law. (Sec. 4232)
Note: Burglary, at common law, is defined to be the breaking and entering the dwelling house of another, in the night time, with intent to commit a felony therein. State v. Langford (1827) 12 N.C. 253; State v. Jake (1864) 60 N.C. 471; State v. McDaniel (1864) 60 N.C. 245; State v. Foster (1901) 129 N.C. 704.
(2) First degree: burglary committed in a dwelling house, or in a room used as a sleeping apartment in any building, and any person is in actual occupation, of such house or apartment. (Sec. 4232)
(3) Second degree: burglary committed in a dwelling house or sleeping apartment not actually occupied by any one at the time; or in any house within the curtilage of a dwelling house; or any building not a dwelling house but containing a room used as a sleeping apartment and not actually occupied as such at the time. (Sec. 4232)
(4) Entering the dwelling house of another with intent to commit any felony or other infamous crime therein, or being therein and committing any felony or infamous crime, and in either case breaking out in the night time. (Sec. 4234)
(5) Breaking or entering other than by a burglarious breaking, with intent to commit a felony or other infamous crime therein, either the dwelling house of another or any storehouse, shop, warehouse, banking house or other building where any merchandise, chattel, money, valuable security or other personal property shall be, or any uninhabited house. (Sec. 4235)
(6) Breaking any seal upon a railroad car containing anything of value, with intent to commit larceny or other felony, or unlawfully and wilfully breaking or entering any railroad car containing anything of value. (Sec. 4237)
(7) Breaking and entering either by day or night with intent to commit crime, any building, inhabited or not, and opening or attempting to open any vault, safe or other secure place by use of explosives. (Supp. 1924, Sec. 4237a)
(8) All attempts, including assault with intent to commit burglary.
(9) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Being found armed with a dangerous weapon with intent to break or enter any building and to commit a felony; or in such building with such intent, or possessing burglars' tools. (Cons. Stats. 1919, Vol. I, Sec. 4236)

6. LARCENY—THEFT (except auto theft)

(1) Felonious stealing to be punished as petit larceny, except in aggravated cases. (Sec. 4249)
Note: Larceny is not defined by statute. The common law definition, viz., that larceny is the felonious taking by trespass and carrying away of the goods of another, without the latter's consent, with the felonious intent

permanently to deprive the owner of his property and to convert it to the taker's own use or to the use of another, is the law of this state. State v. Roper (1832) 14 N.C. 473; State v. Craige (1883) 89 N.C. 475; State v. Kirkland (1919) 178 N.C. 810.

(2) Larceny of property not exceeding $20 in value. Section not applicable to larceny from the person, from a dwelling by breaking and entering, or horse stealing. (Sec. 4251)

(3) Larceny by servants and employees, of property entrusted by the master; except apprentices or servants under 16. (Sec. 4253)

Note: The distinction between larceny and embezzlement in the case of theft by a servant is well settled. "A dishonest servant commits embezzlement in the case of things which he has received *for* his master; though larceny in the case of those which he has received *from* his master." Kenny: *Outlines of Criminal Law,* p. 187. (12th ed., Cambridge, 1926). And see Bazeley's case 2 Leach, C.C. 835 (1799).

(4) Choses in action. (Sec. 4254)

(5) Public records and papers. (Sec. 4255)

(6) Will or other testamentary instrument. (See. 4256)

(7) Ungathered crops, fruit, vegetable or other product, ginseng, wood and other property from the land of another. (Secs. 4257, 4258, 4259)

(8) Livestock:

a. Horses and mules; taxed dogs. (Secs. 4260, 4263)

b. Pursuing, killing or injuring livestock with intent to steal. (Sec. 4264)

c. Killing unmarked livestock with felonious intent in certain counties. (Sec. 4265)

d. Driving livestock from the range or killing or wounding same with unlawful intent. (Sec. 4494)

e. Altering or defacing brands, or misbranding another's livestock. (Sec. 4495)

(9) Gas, electricity, steam. (Secs. 4323 [1] to [4], [6] to [8])

(10) Fair exhibits of agricultural society, etc. (Sec. 4335)

(11) Removing, altering, defacing or destroying marks on branded timber; taking and carrying away branded timber, or timber with brands defaced, etc. (Secs. 3990 to 3993)

(12) Opening grave with intent to take anything interred with dead body. (Sec. 4322)

(13) Removing tree, plant or flower without consent within 100 yards of public highway; or timber from state or school lands or cutting or removing timber or fruits or marketable products from lands of another.
(Cum. Stats. 1925, Sec. 4301 [a], Cons. Stats. 1919, Vol. I, Secs. 4302, 4306, 4307 as amended by Pub. Laws 1929, Ch. 174, p. 207,, Sec. 4314)

(14) Fish from nets of another. (Cons. Stats. 1919, Vol. I, Sec. 1971)

(15) All attempts.

Omit

(1) Receiving stolen goods.

(2) Taking and carrying away by robbery bank notes, checks, etc. [See Robbery (3).] (Sec. 4254)

(3) Unauthorized use: taking horses or mules of another for temporary purposes. (Sec. 4261)

(4) Embezzlement or fraudulent conversion by insurance agent or broker; embezzlement by servants and employees. [See (3) above.] (Secs. 4274, 4253)

(5) Obtaining property by false tokens or pretenses. (Secs. 4277, 4278)

(6) Opening grave with intent to take dead body. (Sec. 4322)

(7) Wilfully and maliciously taking or removing waste or packing from journal box of any railroad locomotive, car, etc. (Sec. 4332)

(8) Taking away, losing, etc., any boat or appliance belonging to same from any landing. (Sec. 4333)

(9) Fraudulent use of timber trademark of another; unlawfully buying, selling, etc., branded timber or timber having trademark removed or defaced; knowingly possessing branded logs without consent of owner. (Secs. 3990, 3991, 3993)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)

(2) All attempts.

Omit

(1) Driving vehicle of another without consent and in absence of the owner and with intent to temporarily deprive the owner of possession, without intent to steal. (Pub. Laws 1927, Ch. 122, Art. VI, Sec. 31, p. 382)

(2) Taking, using or operating any aircraft or equipment for own profit, purpose or pleasure, without consent of owner and under circumstances not constituting larceny. (Pub. Laws 1929, Ch. 90, Sec. 1, p. 68)

NORTH DAKOTA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Compiled Laws of North Dakota, 1913.
Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925.
Laws of North Dakota, 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: homicide perpetrated without authority of law, and with premeditated design to effect the death of the person killed or of any other person; or when perpetrated by an act imminently dangerous to others and evincing a depraved mind, although without premeditated design; or when perpetrated without design to effect death by a person engaged in the commission of any felony. (Comp. Laws 1913, Vol. 2, Pen. C., Sec. 9462)

(2) First degree: murder by poison, lying in wait, torture, or other wilful, deliberate or premeditated killing or in committing or attempting to commit any sodomy, rape, mayhem, arson, robbery, or burglary. (Sec. 9469)

(3) Second degree: all other kinds of murder. (Sec. 9469)

(4) Second degree: death by duel fought in state. (Sec. 9482)

(5) Death resulting from malicious injury or obstruction of a railroad. (Secs. 10035, 10036)

(6) Death of any person through entry of or attempt to enter a mine by force. (Sec. 9487)

(7) Death through arson of a dwelling house or any other building. (Sec. 9499)

(8) Manslaughter: homicide, not excusable or justifiable, but perpetrated in a manner not constituting murder. (Sec. 9470)

(9) First degree: killing, without design to effect death, by a person engaged in the commission of a misdemeanor; or, without design to effect death and in the heat of passion but in a cruel and unusual manner or by means of a dangerous weapon; or killing unnecessarily either while resisting an attempt by person killed to commit a crime or after such attempt shall have failed. (Sec. 9488)

(10) First degree: death of woman from administering drug, etc., with intent to procure an abortion, unless necessary to preserve her life. (Sec. 9490)

(11) First degree: killing by firing of a spring gun, trap, etc., set and left except in the immediate presence of some competent person. (Sec. 9498)

(12) First degree: death from malicious feeding of injurious substance to threshing machine. (Sec. 10261)

(13) Second degree: every killing of one human being by the act, agency, procurement or culpable negligence of another, not murder or manslaughter in the first degree, or excusable or justifiable homicide. (Sec. 9491)

(14) Second degree: death caused by a vicious animal allowed to run at large by owner. (Sec. 9492)

(15) Second degree: death resulting from wilful or negligent overloading of a vessel operated for gain. (Sec. 9493)

(16) Second degree: death resulting from wilful or negligent operation of a boiler on a steamboat. (Sec. 9494)

(17) Second degree: same, in factory, railway, or other mechanical works. (Sec. 9495)
(18) Second degree: death resulting from administering poison, drug, etc., by an intoxicated physician, though without design to effect death. (Sec. 9496)
(19) Second degree: killing by the explosion of gunpowder unlawfully made or kept. (Sec. 9497)

Omit

(1) Death within the state from a wound inflicted in a duel without the state by previous appointment within. (Sec. 9484)
(2) Acting as second or surgeon at a duel within or without the state, where death ensues. (Secs. 9483, 9485)
(3) Wilful killing of an unborn quick child by injury to the mother. (Sec. 9489)
(4) Death of quick child in abortion. (Sec. 9490)

2. RAPE

(1) An act of sexual intercourse with a female not the wife of the perpetrator under either of the following circumstances: (1) when female is under 18, or (2) is incapable through lunacy or other unsoundness of mind of giving legal consent, or (3) when she resists but is overcome by force or violence, or (4) when she is prevented from resisting by threats of immediate bodily harm with apparent power of execution, or (5) when she is prevented from resisting by any narcotic, intoxicating or anesthetic agent, administered by or with the privity of the accused, or (6) when she is at the time unconscious of the nature of the act and this is known to the accused or (7) when she submits in the belief that the person committing the act is her husband, induced by artifice, etc., practiced by the accused, with intent to induce such belief. (Sec. 9563)
(2) First degree: where perpetrator is 24 or over, at time of commission of the offense, and in all cases covered in subdivisions (2) to (7) of section 9563 and in which perpetrator is 20 or over at the time of commission. (Supp. 1925, Sec. 9566)
(3) Second degree: in all cases covered in subdivisions (2) to (7) of section 9563 and in which perpetrator is 17 and under 20 at the time, and in all other cases where perpetrator is 20 and under 24 and female is under 18. (Sec. 9566)
(4) Third degree: in all cases covered in subdivisions (2) to (7) of section 9563 and in which perpetrator is under 20 at the time, or in other cases with the apparent consent of the female and she is under 18. (Sec. 9567)
(5) Sexual intercourse with female dependent or ward by a male who is guardian of a minor, or by a county commissioner, warden, employee, etc., in state penal institution by inducing a female who is a ward, inmate, or pauper under his care, to have illicit sexual intercourse with him by threatening to withhold from her or a member of her family the necessities of life or by threatening physical violence to her or a member of her family. (Comp. Laws 1913, Vol. 2, Pen. C. Sec. 9577)
(6) Assault with intent to commit rape. (Secs. 9531, 9532, 9533)
(7) All attempts.

Omit

(1) Taking indecent liberties with the person of any child, etc. (Supp. 1925, Sec. 9562a)

3. ROBBERY

(1) A wrongful taking of personal property in the possession of another, from his person or immediate presence and against his will, accomplished by means of force or fear, such fear being of an unlawful injury, immediate or future, to the person or property of the person robbed or any relative of his or member of his family, or of immediate and unlawful injury to anyone in his company at the time.
(Comp. Laws 1913, Vol. 2, Pen. C., Secs. 9521, 9524)

(2) First degree: robbery accomplished by use of force or putting the person robbed in fear of some immediate injury to his person. (Sec. 9527)

(3) Second degree: robbery accomplished in any other manner. (Sec. 9527)

(4) Entering in the day time with intent to commit a robbery therein any room wherein a general banking business is carried on, in which there is at the time a human being.
(Supp. 1925, Sec. 9529a)

(5) Assault with intent to rob.
(Comp. Laws 1913, Vol. 2, Pen. C., Secs. 9531, 9532, 9533)

(6) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill. (Sec. 9520)

(2) Shooting with intent to kill. (Sec. 9519)

(3) Poisoning with intent to kill. (Sec. 9518)

(4) Poisoning food, spring or reservoir of water, with intent to injure. (Sec. 9706)

(5) Assault with intent to do bodily harm with a weapon, with intent to injure another but not to kill. (Sec. 9549)

(6) Dueling. (Sec. 9534)

(7) With premeditated design to injure another, inflicting upon his person any injury which disfigures his personal appearance or disables any member or organ of his body or seriously diminishes his physical vigor. (Sec. 9505)

(8) Maiming by disfigurement. (Sec. 9509)

(9) Maiming or injury to person caused by feeding injurious substance into a threshing machine. (Sec. 10261)

(10) Willfully and unlawfully committing assault and battery on the person of another, thereby inflicting grievous bodily harm.
(Laws 1929, Ch. 114, p. 135)

(11) All attempts.

Omit

(1) Inflicting injury upon one's self with design to disable self from performing any legal duty.
(Comp. Laws 1913, Vol. 2, Pen. C., Sec. 9506)

(2) Same, which would be maiming if inflicted upon another, with intent to obtain alms, etc. (Sec. 9507)

(3) Seconding a duel; challenging, etc., to duel; leaving state to avoid dueling law; provoking a duel; posting for refusal to duel. (Secs. 9537 to 9541)

(4) Death from dueling. [See Felonious Homicide (4), Felonious Homicide **Omit** (1).] (Secs. 9482, 9484)

(5) Unlawful attempt or offer with force or violence, to do a corporeal hurt to another. (Sec. 9545)

(6) Unlawful use of force or violence upon the person of another. (Sec. 9546)

(7) Abusing an insane person by treating with wanton severity or cruelty. (Sec. 10257)
(8) Assault with intent to commit any felony except to kill, or in resisting legal process. [See Rape (6), Robbery (5), Burglary (10).] (Secs. 9531, 9532)
(9) Administering drugs to enable self or another to commit any felony. [See Rape (6), Robbery (5), Burglary (10).] (Sec. 9533)
(10) Overloading passenger vessel, thereby endangering life. (Sec. 9707)
(11) Bursting boiler in steamboat or manufactory, thereby endangering life. (Secs. 9708, 9709)

5. BURGLARY—BREAKING OR ENTERING

(1) First degree: breaking into and entering in the night time the dwelling house of another, in which there is at the time some human being, with intent to commit some crime therein, either (1) by forcibly breaking the wall or outer door, window, shutter, lock, bolt or fastening, or (2) breaking in any other manner, being armed with a dangerous weapon, or aided by one or more confederates then actually present, or (3) by unlocking an outer door by means of false key or picking the lock. (Sec. 9868)
(2) Second degree: breaking into any dwelling house in the day time under such circumstances as would constitute first degree burglary if committed in the night time. (Sec. 9869)
(3) Second degree: having entered a dwelling house of another in the night time through on open outer door, etc., and breaking an inner door, etc., with intent to commit any crime. (Sec. 9870)
(4) Second degree: being lawfully in any dwelling house and breaking in the night time any inner door of same with intent to commit any crime. (Sec. 9871)
(5) Third degree: breaking into any dwelling house in the night time with intent to commit a crime but under circumstances not constituting the offense of burglary in the 1st degree. (Sec. 9872)
(6) Third degree: breaking and entering in the day or night any building within the curtilage of a dwelling house but not a part thereof or any building or part of a building, booth, tent, railroad car, vessel, or structure, in which any property is kept, with intent to steal therein or to commit any felony. (Sec. 9873)
(7) Fourth degree: breaking and entering the dwelling house of another, by day or night, in such a manner as not to constitute burglary as specified in the preceding section, with intent to commit a crime. (Sec. 9874)
(8) Fourth degree: having committed any crime in the dwelling house of another, breaking in the night time any outer door, etc., to get out of same. (Sec. 9875)
(9) Breaking into a building, with intent to commit any crime, and committing or attempting to commit same by the use of any high explosive. (Sec. 9879)
(10) Assault with intent to commit burglary. (Secs. 9531, 9532, 9533)
(11) All attempts.
(12) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession, etc., of burglar's instruments. (Sec. 9877)
(2) Under circumstances not amounting to burglary, entering any building, etc., with intent to commit any felony, larceny, or malicious mischief. [See Larceny (6).] (Sec. 9878)

6. LARCENY—THEFT (except auto theft)

(1) The taking of personal property, accomplished by fraud or stealth, and with intent to deprive another thereof. (Sec. 9913)
(2) Grand larceny: when the property taken is of value exceeding $20.00; or though not of such value, is taken from the person of another. (Sec. 9916)
(3) Petit larceny: larceny in other cases. (Sec. 9916)
(4) Grand larceny committed in any dwelling house or vessel. (Sec. 9919)
(5) Larceny from the person, in the night time. (Sec. 9920)
(6) Under circumstances not amounting to burglary, entering any building, etc., with intent to commit larceny. (Sec. 9878)
(7) Livestock:
a. Poultry or livestock. (Supp. 1925, Sec. 9918a)
b. Grand larceny of livestock. (Comp. Laws 1913, Vol. 2, Pen. C., Sec. 9992)
c. Unlawfully branding, or killing same. (Sec. 9992)
d. Driving stock off range. (Sec. 9994)
e. Unlawfully branding stock running at large. (Sec. 9995)
f. Altering or defacing brands with intent to steal or prevent identification by true owner. (Sec. 10245)
(8) Any fixture or part of the realty. (Sec. 9924)
(9) Goods from stranded or wrecked vessel or salvaged from the water or shore, etc.; defacing marks, etc., or otherwise concealing identity or ownership of wrecked property. (Secs. 9925, 9723)
(10) Gas, electricity. (Secs. 9927, 9942)
(11) Public records, etc. (Sec. 9364)
(12) Saw logs from river or land adjoining; removing or cutting or otherwise injuring or destroying same; defacing marks or falsely marking logs or lumber lying in waters or on land of the state. (Secs. 10243, 9724)
(13) Opening place of burial or building, with intent to steal coffin, attachments, etc. (Sec. 9629)
(14) Seizing or taking away military stores from fort, arsenal, etc., or entering with intent to do so. (Sec. 9847)
(15) Wood or timber cut down and lying on land of another; severing produce or anything attached to the freehold; earth or stone from city lot or street; fruit or flowers from premises of another in the day time; in the night time; fruit or other tree, shrub, etc., from land of another; material from unoccupied buildings on farmlands, according to reduction in value of the buildings occasioned thereby. (Secs. 10063[2] to 10063[5]; 10066 to 10068; 10083)
(16) All attempts.

Omit

(1) Finding and appropriating lost property under circumstances giving knowledge or means of inquiry as to true owner, without making reasonable effort to restore same. (Sec. 9914)
(2) Concealing estrays or lost goods; carrying same out of state; failing to deal with same according to law. (Sec. 10245)
(3) Contractor improperly using proceeds of payment on account. (Supp. 1925, Secs. 9922a1, 9922a2)
(4) Warehouseman refusing to deliver grain bailed. (Laws 1927, Ch. 155, p. 204, Sec. 27)
(5) Unlawfully selling livestock. (Comp. Laws 1913, Vol. 2, Pen. C., Sec. 9992)

7. AUTO THEFT

(1) Larceny of an automobile or motorcycle. (Supp. 1925, Sec. 9923a)
(2) All attempts.

Omit

(1) Driving motor vehicle without permission of owner; taking from garage, etc., and using without permission.
(Comp. Laws 1913, Vol. I, Pol. C., Sec. 2976M)

OHIO

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Page's Annotated Ohio General Code, 1926.
Laws, 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: purposely, and either of deliberate and premeditated malice, or by means of poison, or in perpetrating or attempting to perpetrate rape, arson, robbery or burglary, killing another. (Gen'l Code 1926, Vol. 2, Sec. 12400)
(2) First degree: death caused by the malicious obstruction of a railroad. (Sec. 12401)
(3) First degree: killing of a guard or prison keeper by a convict. (Sec. 12402)
(4) First degree: purposely and willfully killing a sheriff, deputy sheriff, constable, policeman, marshal, or inspector while in the discharge of his duty. (Sec. 12402-1)
(5) First degree: taking the life of the president, vice-president, or a cabinet officer, wilfully and maliciously. (Sec. 12406)
(6) First degree: same; governor or lieutenant governor of a state, territory or possession of the United States. (Sec. 12407)
(7) Second degree: purposely and maliciously killing another except in the manner described as first degree. (Sec. 12403)
(8) Manslaughter: the unlawful killing of another except in a manner described as first or second degree murder. (Sec. 12404)
(9) Procuring miscarriage, resulting in death of the woman. (Sec. 12412)

2. RAPE

(1) Having carnal knowledge of daughter, sister, or a female person under 12 years of age, forcibly and against her will; carnal knowledge of any other female person forcibly and against her will. (Sec. 12413)
(2) Being 18 years of age and carnally knowing and abusing a female person under the age of 16 with her consent. (Sec. 12414)
(3) Being 18 years of age and attempting to carnally know and abuse a female person under 16 years of age, with her consent. (Sec. 12415)
(4) Carnal knowledge by a male person over 17 of an insane female not his wife. (Sec. 13025)
(5) Sexual intercourse with a female pupil, with her consent. (Sec. 13030)
(6) Assault with intent to commit rape. (Sec. 12421)
(7) All attempts.

Omit

(1) Without committing or attempting to commit rape, male over 18 exposing his person in the presence of female child under 14, or assaulting and taking indecent liberties with such child. (Sec. 12423-1)

3. ROBBERY

(1) By force and violence, or by putting in fear, stealing and taking from the person of another anything of value. (Sec. 12432)
(2) Assault with intent to commit robbery. (Sec. 12421)
(3) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill. (Sec. 12421)
(2) Assault by shooting, stabbing, cutting, etc., with intent to kill. (Sec. 12420)
(3) Assault or threatening another or unlawfully striking and wounding. (Sec. 12423)
(4) Assault by poisoning. (Sec. 12405)
(5) With malicious intent to maim or disfigure slitting nose, ear, lip, etc., including scalding and acids. (Sec. 12416)
(6) Obstructing railroad tracks. (Sec. 12560)
(7) All attempts.

Omit

(1) Hazing. (Secs. 12417, 12419, 12420)
(2) Pointing or discharging a firearm at another intentionally, and without malice. (Sec. 12422)
(3) Inflicting bodily injury on prison keeper, etc., by a convict attempting escape. (Sec. 12408)
(4) Conspiring with two or more convicts to injure keeper, etc. (Sec. 12409)
(5) Throwing stones, shooting, etc., at trains, vessels, etc. (Sec. 12497)
(6) Assault with intent to rape. [See Rape (6).] (Sec. 12421)
(7) Assault with intent to rob. [See Robbery (2).] (Sec. 12421)
(8) Torturing or unlawfully punishing another. (Sec. 12428)
(9) Procuring abortion. (Sec. 12412)
(10) Administering drug, poison or medicine while intoxicated which endangers life of another. (Secs. 12410, 12411)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering in the night an inhabited dwelling house with intent to commit a felony, or with intent to steal property of any value. (Sec. 12437)
(2) Maliciously and forcibly breaking and entering in the night, or attempting to break and enter an uninhabited dwelling house, or a kitchen, smoke house, shop, office, warehouse, school, church, barn, railroad car, hall or other building, or attempting to break and enter an inhabited dwelling house with intent to steal property of any value, or with intent to commit a felony. (Sec. 12438)
(3) By day or night, maliciously and forcibly, by and with the aid of any instrument, device or explosive, blowing or attempting to blow, or force an entrance into a safe or depository wherein is contained any money or thing of value. (Sec. 12440)
(4) By day or night, maliciously entering a dwelling house, kitchen, shop, storehouse, mill, office, railroad car, water craft, schoolhouse, barn, etc., and attempting to commit a felony. (Sec. 12441, amended Laws 1929, p. 502)
(5) In the day time maliciously breaking and entering a dwelling house, kitchen, shop, store, mill, water craft, car, factory, etc., or other building with intent to steal or to commit a felony. (Sec. 12442)
(6) By day or night, breaking and entering a building where military property of the state or of the United States is kept. (Sec. 12446)
Note: Include only cases where intent to steal or to commit a felony appears.
(7) All attempts, including assault with intent to commit burglary.
(8) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession of burglar's tools. (Sec. 12439)
(2) Entering premises to disturb bees or carry away poultry. [See Larceny (15).] (Sec. 12445)
(3) Unlawfully breaking open in the night time a dwelling house, shop, store, ship, boat or other water craft, in which a person resides or dwells, and committing or attempting to commit personal violence or abuse, or being so armed with a dangerous weapon as to indicate a violent intention. (Sec. 12443)
(4) Same; committed in the day time. (Sec. 12444)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the wrongful or fraudulent taking and carrying away, by any person, of the mere personal goods of another, from any place, with a felonious intent to convert them to the taker's own use, without the consent of the owner, and without color of right and with an intention to deprive the owner wholly of his property, is the law of this State. Berry v. State (1877) 31 O. S. 219; Stanley v. State (1873) 24 O. S. 166; State v. Baxter (1914) 89 O. S. 269.
(2) Stealing anything of value, viz., money, bills and notes, checks, goods and chattels, etc., rights in action and things which savor of the realty and are a part of the freehold at time they are taken, whether of the substance or produce thereof or affixed thereto, where the value is $35 or more. (Secs. 12447, 12369)
(3) Same, where the value is less than $35. (Sec. 12447)
(4) Stealing from the person, other than by force and violence or by putting in fear. (Sec. 12449)
(5) Horse, ass or mule. (Sec. 12448)
(6) Altering or defacing mark or brand on domestic animals—horses, sheep, cattle, etc., of another. (Sec. 13375)
(7) Stealing a registered dog. (Vol. 1, Sec. 5652-7, amended Laws 1927, H. B. No. 164, p. 348)
(8) Will, codicil or testamentary instrument. (Vol. 2, Sec. 12451)
(9) Gas, electricity and water from utilities companies. (Secs. 12452, 12512, 12507, 12508, 12512-1, 12512-2)
(10) Water from canals or waters of the state. (Vol. 2, Sec. 12461; Vol. 3, Sec. 13937)
(11) Books, documents and certificates from land title registration office. (Vol. 2, Sec. 8572-115)
(12) Exhibit or thing of value from agricultural or other fair grounds. (Sec. 12519)
(13) Fish from fishpond on lands of another. (Sec. 12525)
(14) Part or attachment of motor vehicle. (Sec. 12619-1)
(15) Entering premises of another unlawfully for purpose of carrying away bees or honey, poultry or grain. (Sec. 12445)
(16) Sawing, cutting down, taking or carrying away trees or timber, logs, rails, ties, etc., on lands of another or of the state, or root, plant, fruit or vegetable production from land of another, or other thing attached thereto, or any ginseng, golden seal, etc., from enclosure of another, or timber or stone from state lands. (Secs. 12455, 12478, 12490, 12478-1, 12498)
(17) Taking and carrying away, etc., or converting timber bearing trademark of another; defacing or destroying trademark on

timber of another, or fraudulently placing trademark on timber of another. (Secs. 12460, 12509, 13157)

(18) All attempts.

Omit

(1) Unauthorized use:

a. Unlawfully removing from any motor vehicle without authority from owner, any part, attachment, etc. [See (14) above.] (Sec. 12619-1)

Note: Omit only cases where no intent to steal appears.

b. Taking bicycle or tricycle with intent to use it. (Sec. 12514)

c. Taking a horse, etc., without consent with intent to use it. (Sec. 13379)

(2) Wantonly taking, losing, sinking, etc., watercraft of another. (Sec. 12486)

7. AUTO THEFT

(1) Stealing any motor vehicle. (Sec. 12619)

(2) All attempts.

Omit

(1) Purposely taking, driving or operating any motor vehicle without consent of owner. (Sec. 12619)

OKLAHOMA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Compiled Statutes of Oklahoma, 1921, annotated. By C. O. Bunn.
Supplement, 1926, by W. W. Thornton.
Session Laws of Oklahoma, 1927, 1929 (Harlow's Ed.)

1. FELONIOUS HOMICIDE

(1) Murder: homicide perpetrated without authority of law and with a premeditated design to effect the death of the person killed, or of another; or perpetrated by an act imminently dangerous to others and evincing a depraved mind regardless of human life, although without actual intent to injure others. (Comp. Stats. 1921, Vol. I, Pen. C., Secs. 1733, 1737)

(2) Manslaughter: First degree: homicide perpetrated without a design to effect death by a person while engaged in the commission of a misdemeanor; or perpetrated without a design to effect death and in a heat of passion, but in a cruel or unusual manner or by means of a dangerous weapon, unless constituting excusable or justifiable homicide; or perpetrated unnecessarily either while resisting an attempt by the person killed to commit a crime or after such attempt shall have failed. (Sec. 1740)

(3) First degree: death by physician administering drug, etc., while intoxicated, without a design to effect death. (Sec. 1741)

(4) First degree: death of woman caused by administering medicine, etc., with intent to procure miscarriage, unless necessary to save her life. (Sec. 1743)

(5) Second degree: killing of one human being by the act, procurement or culpable negligence of another which is not murder, nor manslaughter in the first degree nor excusable nor justifiable homicide. (Sec. 1745)

(6) Second degree: killing by mischievous animal willfully suffered to go at large or kept without ordinary care by owner. (Sec. 1746)

(7) Second degree: killing or drowning by willful or negligent overloading of vessel run for gain. (Sec. 1747)

(8) Second degree: killing by ignorant or negligent or willful operation of passenger steamboat boiler or engine. (Sec. 1748)

(9) Second degree: killing by willful or ignorant or negligent operation of steam boiler or engine in manufactory, railway or other mechanical works. (Sec. 1749)

(10) Second degree: killing by explosion of gunpowder or saltpeter unlawfully made or kept. (Sec. 1750)

(11) Death caused by malicious or wanton or negligent injury to or obstruction of railroad. (Secs. 2223, 2224)

(12) Death from liquor furnished for beverage purposes. (Supp. 1926, Sec. 1728-1)

Omit

(1) Death by duel fought without the state upon previous appointment within the state: principals and seconds guilty of murder. (Comp. Stats. 1921, Vol. I, Pen. C., Sec. 1738)

(2) Willful killing of an unborn quick child by any injury upon the person of the mother. (Sec. 1742)

(3) Death of child by administering drug, etc., to mother to procure miscarriage. (Sec. 1743)

2. RAPE

(1) An act of sexual intercourse accomplished with a female not the wife of the perpetrator, under either of the following circumstances: where she is under 16; where she is over 16 and under 18, and of previous chaste and virtuous character; where she is incapable through lunacy or other unsoundness of mind, temporary or permanent, of giving legal consent; where she resists but her resistance is overcome by force and violence; where she is prevented from resistance by threats of immediate and great bodily harm, accompanied by apparent power of execution; where she is prevented from resisting by any intoxicating, narcotic or anesthetic agent administered by or with the privity of the accused; where she is at the time unconscious of the nature of the act and this is known to the accused; where she submits under belief the accused is her husband, such belief being induced by artifice practiced by him or by him in collusion with her husband with intent to induce such belief. (Sec. 1834)
Where female is over 14 and consents, defendant cannot be convicted unless he was over 18. (Sec. 1835)

(2) First degree: rape committed by a male over 18 upon a female under 14, or incapable through lunacy or unsoundness of mind of giving legal consent; or accomplished with any female by means of force overcoming her resistance, or of threats of immediate and great bodily harm, accompanied by apparent power of execution, preventing such resistance. (Sec. 1837)

(3) Second degree: rape in all other cases. (Sec. 1837)

(4) Assault with intent to commit rape. (Secs. 1758, 1759)

(5) All attempts.

3. ROBBERY

(1) The wrongful taking of personal property in the possession of another from his person or immediate presence and against his will, accomplished by means of force or fear; such fear being of an unlawful injury, immediate or future, to the person or property of the person robbed or any relative of his or member of his family, or of an immediate and unlawful injury to the person or property of anyone in his company at the time. (Secs. 1784, 1787)

(2) First degree: robbery accomplished by the use of force, or of putting the person robbed in fear of some immediate injury to his person. (Sec. 1790)

(3) Second degree: robbery accomplished in any other manner. (Sec. 1790)

(4) Robbery by two or more persons conjointly, or where the whole number, including those present and aiding, amounts to two or more. (Sec. 1793)

(5) With the use of firearms or other dangerous weapons robbing or attempting to rob any person, or place of business, residence or banking institution, or other place inhabited or attended by any person, day or night. (Supp. 1926, Sec. 1793-1)

(6) Assault with intent to rob.
(Comp. Stats. 1921, Vol. 1, Pen. C., Secs. 1758, 1759

(7) All attempts.

4. AGGRAVATED ASSAULT

(1) Administering poison with intent to kill. (Sec. 1755)

(2) Other assaults with intent to kill. (Sec. 1757)

(3) Assault by a masked person who has entered the premises of another with intent to do bodily harm. (Supp. 1926, Sec. 2142-2)

(4) Assault while masked, using a dangerous weapon. (Sec. 2142-3)
(5) Assault with a dangerous weapon with intent to do great bodily harm. (Comp. Stats. 1921, Vol. I, Pen. C., Sec. 1764)
(6) Shooting or attempting to shoot another or assault and battery by deadly weapon or any other means or force likely to produce death. (Sec. 1756)
(7) Poisoning food, drink, etc., with intent to injure a human being. (Sec. 1811)
(8) Dueling. (Sec. 1774)
(9) With premeditated design to injure another, inflicting any injury on his person which disfigures his appearance or disables any member or organ or seriously diminishes his physical vigor. (Sec. 1765)
(10) All attempts.

Omit

(1) Maiming self with design to disable self from performing any legal duty; or to obtain alms or charity. (Secs. 1766, 1767)
(2) An unlawful attempt or offer with force or violence to do a corporal hurt to another. (Sec. 1760)
(3) Any willful and unlawful use of force or violence upon the person of another. (Sec. 1761)
(4) Seconding a duel, or being present as an aid or surgeon, etc., sending, receiving, carrying, etc., a challenge to duel; leaving the state to evade the dueling laws; attempting to provoke a duel, etc., posting another for refusal to fight a duel, etc. (Secs. 1777, 1778, 1780, 1781, 1782)
(5) Interfering with workmen, etc., employed by another by use of force, threats or intimidation. (Sec. 1816)
(6) Interfering with employer in his relation to his business or employees by force, threats or intimidation. (Sec. 1817)
(7) Assault with intent to commit any felony except to kill. [See Rape (4), Robbery (6), Burglary (7).] (Sec. 1758)
(8) Administering chloroform, etc., with intent to enable or assist self or another to commit a felony. [See Rape (4), Robbery (6), Burglary (7).] (Sec. 1759)

5. BURGLARY—BREAKING OR ENTERING

(1) First degree: breaking into and entering in the night time the dwelling house of another, in which there is at the time some human being, with intent to commit some crime therein; either by forcibly breaking the wall, or an outer door, window or shutter, or lock, bolt or fastening, or by breaking in any other manner, being armed with a dangerous weapon or assisted by one or more confederates actually present, or by unlocking an outer door by false keys or picking the lock thereof, or lifting a latch or opening a window. (Sec. 2059)
(2) Second degree: same, in the daytime. (Sec. 2060)
(3) Second degree: having entered the dwelling house of another in the night time, through an open outer door, window or other aperture, and breaking any inner door, window, etc., with intent to commit any crime. (Sec. 2061)
(4) Second degree: being lawfully in any dwelling house, and breaking in the night time any inner door of same with intent to commit any crime. (Sec. 2062)
(5) Second degree: breaking and entering in the day or night any building within the curtilage of a dwelling house, but not forming part thereof or any building or part of any building, booth, tent, railroad car, vessel, or other structure or erection in which any property is kept, with intent to steal therein or commit any felony. (Sec. 2063)

(6) Entering any building, railway car, vehicle or structure and opening or attempting to open any vault, safe or receptacle for the safekeeping of money, etc., or other valuable property or papers, without consent of owner, by the use of explosives; or entering same with intent and without consent of owner to open or crack such vault, etc., by explosives. (Sec. 2069)
(7) Assault with intent to commit burglary. (Secs. 1758, 1759)
(8) All attempts.
(9) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing burglars' tools. (Sec. 2065)
(2) Entering, under circumstances not amounting to burglary, any building, booth, tent, warehouse, railroad car, vessel or other structure with intent to commit any felony, larceny or malicious mischief. [See Larceny (6).] (Sec. 2066)
(3) Entering fort, arsenal, etc., and taking or intending to take away State arms, equipment or supplies. [See Larceny (12).] (Sec. 2038)

6. LARCENY—THEFT (except auto theft)

(1) The taking of personal property accomplished by fraud or stealth, and with intent to deprive another thereof. (Sec. 2101)
(2) Grand larceny: larceny of property of value exceeding $20. When the property, although not of value exceeding $20., is taken from the person of another. (Sec. 2104)
(3) Petit larceny: larceny in other cases. (Sec. 2104)
(4) Grand larceny in any dwelling house or vessel. (Sec. 2107)
(5) Grand larceny in the night time from the person. (Sec. 2108)
(6) Entering, under circumstances not amounting to burglary, any building, booth, tent, warehouse, railroad car, vessel or other structure with intent to commit larceny. (Sec. 2066)
(7) Livestock:
a. Horse, cow or hog. (Sec. 2116)
b. Taxable dogs. (Secs. 2117, 2118)
c. Domestic fowl—grand larceny regardless of value. (Sec. 2119, amended Laws 1929, Ch. 20)
d. Destroying hides or brands on livestock. (Comp. Stats. 1921, Vol. 2, Sec. 4032)
(8) Gas. (Vol. 1, Pen. C., Sec. 2114)
(9) Public records. (Sec. 1625)
(10) Saw logs from river or land adjoining. (Sec. 2212)
(11) Wood or timber cut down and lying on lands of another; earth, soil or stone from city lot or avenue; fruit, flowers, etc., from premises of another in the day time, in the night time; cutting, carrying away, etc., fruit and other trees on land of another; theft in garden, yard, enclosed field or pecan grove of another. (Secs. 2240, 2244 to 2246, 2247 amended Supp. 1926)
(12) Entering fort, arsenal, etc., and taking away military stores, or entering with intent to do so. (Sec. 2038)
(13) Breaking open grave or building with intent to steal coffin or attachments, etc., buried therein. (Sec. 1881)
(14) Diverting waters from irrigation ditch. (Sec. 2230)
(15) Defacing or obliterating marks on wrecked property, destroying or suppressing document, to prevent owner discovering identity. (Sec. 2154)
(16) All attempts.

Omit

(1) Finding and appropriating lost property under circumstances giving knowledge or means of inquiry as to the true owner, without effort to restore it. (Sec. 2102)
(2) Concealing estrays or lost goods; effacing brands thereon; carrying same out of state; failing to deal with same as provided by statute. (Sec. 2214)
Unlawfully taking up or removing estrays. (Vol. 2, Secs. 3916, 3924)
(3) Purchasing or receiving domestic fowl, knowing them to have been stolen—grand larceny. (Laws 1929, Ch. 20)

7. AUTO THEFT

(1) Stealing an automobile or other motor driven vehicle. (Comp. Stats. 1921, Vol. 1, Pen. C., Sec. 2120)
(2) All attempts.

Omit

(1) Taking for temporary use where actually returned. (No specific statute)
(2) Illegal use by chauffeurs.

OREGON

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Oregon Laws, 1920. By C. P. Olson.
Supplement, 1921-1927. By H. B. Clark.
General Laws, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: killing another purposely and of deliberate and premeditated malice, or in commission of or attempt to commit any rape, arson, robbery or burglary. (Ore. Laws 1920, Vol. I, Sec. 1893)

(2) Second degree: killing another purposely and maliciously, but without deliberation and premeditation, or in commission of or attempt to commit any felony other than rape, arson, robbery or burglary. (Sec. 1894)

(3) Second degree: killing another by an act imminently dangerous to others and evincing a depraved mind, regardless of human life, although without design to effect the death of any particular individual. (Sec. 1895)

(4) Second degree: killing another in a duel fought within the State, by previous appointment. (Sec. 1896)

(5) Manslaughter: killing another without malice, express or implied, and without deliberation.
Voluntary manslaughter: killing upon a suddent heat of passion, caused by provocation apparently sufficient to make the passion irresistible.
Involuntary manslaughter: killing while in commission of an unlawful act, or a lawful act without due caution or circumspection. (Secs. 1897, 1898)

(6) Death of woman caused by administering drug, etc., with intent to procure abortion, unless necessary to preserve her life. (Sec. 1900)

(7) Death caused by physician administering drug, etc., while intoxicated, without design to effect death. (Sec. 1901)

(8) Every other killing of a human being by the act, procurement or culpable negligence of another, which is not murder nor justifiable or excusable homicide. (Sec. 1902)

(9) Death caused by operation of a motor vehicle by any person while intoxicated. (Supp. 1927, Vol. I, Sec. 2253-1)

Omit

(1) Purposely procuring or assisting another to commit self-murder. (Ore. Laws 1920, Vol. 1, Sec. 1899)

(2) Death of unborn child by administering drugs, etc., to mother with intent to destroy such child, unless necessary to save life of the mother. (Sec. 1900)

(3) Unmarried mother concealing death of child. (Sec. 2080)

2. RAPE

(1) Person over 16 carnally knowing any female child under 16; or any person forcibly ravishing any female. (Sec. 1912)

(2) Rape of sister, of the whole or half-blood, or upon daughter of the perpetrator, or his wife's daughter. (Sec. 1913)

(3) Assault with intent to commit rape. (Sec. 1919)
(4) All attempts.

3. ROBBERY

(1) Being armed with a dangerous weapon and assaulting another with intent, if resisted, to kill or wound the person assaulted, and robbing, stealing or taking from such person any money, or other property which may be the subject of larceny. (Sec. 1920)
(2) Not being armed with a dangerous weapon and by force and violence, or by assault, or by putting in fear of force and violence or assault, robbing, stealing or taking from the person of another any property which may be the subject of larceny. (Sec. 1921)
(3) Boarding, stopping or impeding any railroad train with intent to commit robbery or larceny on same or from any express, baggage or mail car; or assaulting or threatening bodily violence to any passenger, person or member of the crew, with intent to commit any such robbery or larceny. (Sec. 2251)
(4) Assault with intent to rob. (Sec. 1919)
(5) All attempts.

4. AGGRAVATED ASSAULT

(1) Attempt to kill or injure by poisoning. (Sec. 1922)
(2) Assault with intent to kill or commit mayhem. (Sec. 1919)
(3) Dueling. (Sec. 1915)
(4) Assault with a dangerous weapon. (Sec. 1923)
(5) Assault by convicts with a deadly weapon, etc. (Sec. 2047)
(6) Same; by person intending to aid escape, etc. (Secs. 2048, 2050)
(7) Assault by persons imprisoned in a county jail, etc., with a deadly weapon. (Sec. 2049)
(8) Purposely and feloniously or in the commission of or attempt to commit a felony, cutting, tearing out or disabling the tongue, putting out or destroying the eye, cutting, slitting or tearing off an ear, cutting, slitting, or mutilating the nose or lip, cutting off or disabling the limb or member of another. (Sec. 1914)
(9) Purposely and maliciously setting off explosives with intent to injure the person of another. (Genl. Laws 1929, Ch. 408, p. 563)
(10) All attempts.

Omit

(1) Pointing or aiming, by person over twelve years, any pistol, gun, etc., loaded or empty, etc. (Supp. 1927, Vol. I, Sec. 1925)
(2) Endeavoring to prevent persons from working for another. (Ore. Laws 1920, Vol. I, Sec. 2176)
(3) Compelling employee to board or buy at a particular place by threats, etc. (Sec. 2177)
(4) Preventing another from joining any labor or other organization, etc. (Sec. 2181)
(5) Assaulting or attempting to assault any jailer or other person having the custody of persons confined in any county jail. (Supp. 1927, Vol. II, Tit. XIX, Ch. 4 (Laws 1927, Ch. 382)
(6) Assault or assault and battery, not being armed with a dangerous weapon. (Supp. 1927, Vol. I, Sec. 1924)
(7) Challenging, aiding, posting for not fighting, etc., duels. (Ore. Laws 1920, Vol. I, Secs. 1916, 1917)
(8) Killing in a duel. [See Felonious Homicide (4).] (Sec. 1896)
(9) Assault with a cowhide, stick, etc., being armed with a deadly weapon. (Sec. 1918)

(10) Assault with intent to rape. [See Rape (3).] (Sec. 1919)
(11) Assault with intent to rob. [See Robbery (4).] (Sec. 1919)
(12) Interfering with railroad train with intent to commit robbery and assaulting a person. [See Robbery (3).] (Sec. 2251)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering any dwelling house in the night time, in which there is at the time some human being, with intent to commit a crime therein; or having entered with such intent, breaking such dwelling house in the night time, or being armed with a dangerous weapon, or assaulting any person lawfully therein. Every unlawful entry with such intent constitutes a breaking and entering. (Secs. 1941, 1945)
(2) Same, in the daytime. (Secs. 1942, 1945)
(3) Breaking and entering any building within the curtilage of any dwelling house, but not forming part thereof, or any building or part thereof, booth, tent, railroad car, vessel, boat, or other structure or erection in which property is kept, with intent to steal or commit any felony therein. Every unlawful entry with such intent constitutes a breaking and entering. (Secs. 1943, 1945)
(4) Having committed or attempted to commit a crime in the dwelling house of another and breaking in the night time any outer door, window, shutter or other part to get out of same. (Sec. 1944)
(5) Breaking and entering any building in the night time with intent to commit a crime therein, and in the commission of or attempt to commit same using or attempting to use any explosive. (Sec. 1946)
(6) Breaking and entering, in the night or day time, any church, courthouse or other public building, and committing larceny therein. (Sec. 1948)
(7) All attempts, including assault with intent to commit burglary.
(8) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the felonious taking and carrying away of the personal property of another, without consent of the owner, with an intent wholly to deprive the owner thereof, is the law of this state. State v. Dooley (1922) 102 Ore. 563; State v. Teller (1904) 45 Ore. 571; State v. Albert (1926) 117 Ore. 179.
(2) Stealing the following property of another: any goods or chattels, notes, bills, etc., or other thing in action, account, deed, contract, receipt, writ, process or public record, or passenger ticket—where property exceeds $35.00 in value. (Sec. 1947)
(3) Same, where property does not exceed $35.00 in value. (Sec. 1947)
(4) Larceny in any dwelling or banking house, office, store, shop or warehouse, or any vessel. (Sec. 1948)
(5) Larceny from the person of another. (Sec. 1949)
(6) Severing and stealing any stationary bath-tub, etc., in any building; any fixture or part of the realty; any ore or growing tree, etc. (Sec. 1949-1)
(7) Livestock:
a. Any horse, gelding, mare, etc., or dog. (Sec. 1950)
b. Driving domestic animals from their range, more than 10 miles. (Secs. 1951, 1952)

c. Altering marks or brands upon animals with intent to convert to own use. (Supp. 1927, Vol. I, Sec. 1954)
d. Skinning or removing from the carcass any part of the hide of any neat cattle, etc., found dead, without owner's permission. (Supp. 1927, Vol. II, Tit. XIX, Ch. 3 [Laws 1927, Ch. 158])
e. Obliterating, etc., mark or brand on hides. (Ore. Laws 1920, Vol. I, Sec. 2219)

(8) Harvested and threshed grain. (Secs. 1950, 1951)
(9) Drawing off water without color of right, from any ditch, canal, pipe, etc. (Sec. 1975)
(10) Cutting down any tree, taking timber or wood previously cut or severed or any mineral, earth or stone on lands of another; or trespassing with intent to take, etc., trees, grain, fruit, etc., growing on improved lands. (Secs. 1984, 1987)
(11) Gas, electricity or related property. (Sec. 1992)
(12) Taking, etc., marked logs found adrift; obliterating marks or brands on floating logs. (Vol. II, Secs. 7654, 7655)
(13) Boring or cutting forest trees on land of another for purpose of extracting pitch or of taking any part of the tree or bark; encroachment on land of another by a landowner by mistake excepted. (Gen'l Laws 1929, Ch. 329, p. 375)
(14) All attempts.

Omit

(1) Embezzlement by servant, employee, etc.; conversion by bailee, including mortgagors of personal property and purchasers under conditional sale contracts; conversion of public money by possessor. (Ore. Laws 1920, Vol. I, Secs. 1955 to 1957)
(2) Obtaining money or property by false personation. (Sec. 1961)
(3) Larceny committed after breaking and entering any church, etc., or other public building. [See Burglary (6).] (Sec. 1948)
(4) Wrongfully taking up any estray. (Vol. II, Sec. 9379)
(5) Possessing, selling, etc., marked logs found adrift. (Vol. II, Sec. 7654)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Taking for temporary use where actually returned. (No specific statute)
(2) Illegal use by chauffeurs.

PENNSYLVANIA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Digest of Pennsylvania Statute Law, 1920.
Cumulative Supplement, 1928.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: all murder perpetrated by means of poison, lying in wait or any other kind of wilful, deliberate and premeditated killing; or committed in the perpetration of or attempt to perpetrate any arson, rape, robbery, burglary or kidnapping. (Pa. St. Supp. 1928, Sec. 7974)

(2) First degree: death resulting from wilful and malicious obstruction of, interference with and injury to railroads. (Pa. St. 1920, Sec. 7937)

(3) Second degree: all other kinds of murder. (Pa. St. Supp. 1928, Sec. 7974)

Note: The common law definition, viz., that murder is the unlawful killing of another with malice, express or implied, is the law of this state. Com. v. Dougherty (1807) 1 Browne, Appendix XVIII.

(4) Killing any person taken, rescued or abducted from custody of an officer. (Sec. 486a-6)

(5) Death caused by mob or riotous assemblage of three or more persons. (Secs. 486a-7, 486a-8)

(6) Voluntary manslaughter—penalty. (Pa. St. 1920, Sec. 7977)

Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, express or implied, either voluntary, in a sudden heat, or involuntarily but in the commission of an unlawful act, is the law of this state. Com. v. Drum (1868) 58 Pa. 9; Com. v. Bilderback (1843) 2 Parsons 447; Com. v. Santos (1923) 275 Pa. 515; Com. v. Micuso (1922) 273 Pa. 474.

(7) Involuntary manslaughter, happening in consequence of an unlawful act. (Sec. 7978)

Omit

(1) Woman concealing death of bastard child. (Sec. 7699)

2. RAPE

(1) Having unlawful carnal knowledge of a woman, forcibly and against her will; or being 16 and upwards and unlawfully and carnally knowing and abusing any woman-child under 16 with or without her consent; (except, in the latter case, where she was not of good repute, and consented). (Sec. 8024)

(2) Assault and battery upon a female with intent forcibly and against her will to have unlawful carnal knowledge of her; administering drugs with intent to rape. (Secs. 7686, 7693)

(3) All attempts.

3. ROBBERY

(1) Robbing another, or by menaces or force demanding any property of another with intent to steal the same. (Sec. 8034)

(2) Assaulting any person with intent to rob him; administering drugs with intent to rob. (Secs. 8034, 7691, 7919, 7693)

(3) Being armed with an offensive weapon or instrument and robbing another, or assaulting with intent to rob; or doing same, together with one or more persons; or robbing any person and beating, striking, ill-using or doing violence to such person. (Sec. 8035)
(4) Extorting or gaining money or property by intimidation induced by accusation or threat to accuse another of the crime of sodomy, or of attempt, assault, etc., to commit same. (Sec. 8036)
(5) By fraud, force, threats, or the use of drugs obtaining from or compelling another to surrender the key or divulge the combination used to open any bank vault, safe or other depository of money, securities or property, with intent to steal same. (Sec. 8037)
(6) Impeding, obstructing or stopping any train for the purpose of robbery, and robbing or attempting to rob any person, company, mailpouch or car. (Sec. 8038)
(7) All attempts.

Omit

Stealing any property from the person of another. [See Larceny (2).] (Secs. 8034, 7691, 7919)

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill. (Sec. 7690)
(2) Poisoning, stabbing, wounding and assaulting with intent to murder. (Sec. 7689)
(3) Assault with firearms or wounding with intent to maim. (Sec. 7687)
(4) Maiming or injuring by means of explosives. (Sec. 7688)
(5) Assault with explosives. (Sec. 7692)
(6) Placing explosives near buildings, railroad cars, etc., with intent to injure. (Pa. St. Supp. 1928, Sec. 7936)
(7) Malicious injury to railroads of any kind. (Pa. St. 1920, Sec. 7937)
(8) All attempts.

Omit

(1) Unlawful and malicious injury of another person, with or without a weapon. (Sec. 7685)
(2) Negligent operation of stage, coach, carriage, car, etc. (Sec. 7850)
(3) Assaulting and beating an officer while executing a warrant. (Pa. St. Supp. 1928, Sec. 486a-5)
(4) Challenging or accepting challenge to duel; carrying or delivering, etc., challenge to duel; concealing knowledge of a challenge to duel; posting another for refusal to duel. (Pa. St. 1920, Secs. 7807 to 7810)
(5) Assault and battery on electors near polls. (Sec. 7694)
(6) Assault with intent to rape. [See Rape (2).] (Sec. 7686)
(7) Assault with intent to rob. [See Robbery (2), (3).] (Secs. 7691, 7919, 8034, 8035)
(8) Administering drugs with intent to commit a felony. [See Rape (2), Robbery (2), Burglary (7).] (Sec. 7693)
(9) Death caused by malicious injury to railroad. [See Felonious Homicide (2).] (Sec. 7937)
(10) Killing person held under warrant. [See Felonious Homicide (4).] (Pa. St. Supp. 1928, Sec. 486a-6)
(11) Death by mob violence. [See Felonious Homicide (5).] (Secs. 486a-7, 486a-8)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking or entering into wilfully and maliciously, by night, the state capitol or other public building belonging to the commonwealth or to any city or county thereof or to any body

corporate, society or association, or into any church, meeting house or dwelling house, or outhouse parcel of said dwelling house, with intent to kill, rob, steal or commit a rape or any felony whatever. (Pa. St. 1920, Sec. 7740)

(2) Breaking and entering by daytime any dwelling, house, shop, store, warehouse, mill, farm, stable, outhouse or other building; or wilfully or maliciously, by day or night, with or without breaking, entering same with intent to commit any felony whatever therein. (Sec. 7741)

(3) Breaking and entering same in the daytime, or entering same by day or night without breaking, with intent to commit any felony whatever therein. (Sec. 7920)

(4) Breaking and entering any car, caboose or locomotive; or wilfully or maliciously, by day or night, with or without breaking, entering same with intent to commit any felony whatever therein. (Sec. 7742)

(5) Wilfully and maliciously, by day or night, with or without breaking, entering any building with intent to commit a felony by use of explosives. (Sec. 7743)

(6) All attempts, including assault with intent to commit burglary.

(7) Administering drugs with intent to commit burglary. (Sec. 7693)

(8) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing burglars' tools. (Sec. 7744)

6. LARCENY—THEFT (except auto theft)

(1) Penalty clause. (Sec. 7917)

Note: Larceny is not defined by statute. The common law definition, viz., that larceny is the felonious taking and carrying away of the property of another without his consent and against his will, with intent to convert it to the use of the taker, is the law of this state. Com. v. Hutchinson (1848) 2 Parsons 384; Com. v. Steimling (1893) 156 Pa. 400.

(2) Larceny from the person. (Secs. 7919, 7691, 8034)

(3) Bank bills, notes, checks, bill of exchange, certificate, security, etc., testament, will or deed, book of accounts. (Sec. 7923)

(4) Any horse. (Sec. 7924)

(5) Wire used for transmitting electricity by telegraph, telephone or electric company. (Sec. 7921)

(6) Glass, woodwork, fence or metal fixtures from any building or fixed on any land. (Sec. 7922)

(7) Dogs. (Secs. 9216, 9241)

(8) Electricity from telegraph companies. (Sec. 7942)

(9) Mining coal, iron or other minerals on land of another. (Sec. 15605)

(10) Cutting trees or entering orchards, etc., and taking and carrying away fruit, vegetables, crops, trees, etc.; stealing seeds or plants when sown; cutting or injuring trees on highway or on public grounds; carrying away rails from fences. (Secs. 7946, to 7949, 7951, 7952, 7956, 7959, 7962)

(11) Cutting or felling, removing and converting trees from land of another; defacing or removing brands on floating lumber, or destroying or converting same. (Secs. 11239, 11253)

(12) Any property growing or being on land of another. (Pa. St. Supp. 1928, Sec. 7925a)

(13) All attempts.

Omit

(1) Robbing another or assaulting with intent to rob, etc. [See Robbery (1), (2).] (Pa. St. 1920, Sec. 7919, 7691, 8034)
(2) Fraudulent conversion by bailee. (Pa. St. Supp. 1928, Sec. 7918)
(3) Wilfully and maliciously taking or removing waste, brasses or packing from journal boxes of any locomotive, car, etc., of any railroad. (Pa. St. 1920, Sec. 7938)
(4) Embezzlement as larceny. (Secs. 7819, 12479)
(5) Larceny from any dwelling house, etc., by breaking and entering in the daytime, or entering without breaking, by day or night, with intent to commit a felony within. [See Burglary (3).] (Sec. 7920)
(6) Knowingly selling or buying floating lumber, not being the owner thereof. (Sec. 11253)

7. AUTO THEFT

(1) Feloniously taking or stealing any motor vehicle. (Sec. 7925)
(2) All attempts.

Omit

(1) Making use of or operating any motor vehicle without the knowledge or consent of the owner or operator thereof. (Pa. St. Supp. 1928, Sec. 963a-621, [e])
(2) Obtaining possession of motor vehicle by fraud. (Sec. 963c)
Note: Omit only cases where no intent to steal appears.

RHODE ISLAND

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
General Laws of Rhode Island, Revision 1923.
Public Laws 1923 (Revised edition), 1924, 1925, 1926, 1927, 1928, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being with malice aforethought.
(General Laws, 1923, Sec. 6013, amended Acts 1929, Ch. 1392, p. 254)
(2) First degree: murder perpetrated by poison, lying in wait, or any other kind of wilful, deliberate, malicious, and premeditated killing or committed in the perpetration of or attempt to perpetrate any arson, rape, burglary or robbery or perpetrated from a premeditated design to kill any person other than the person killed. (Same)
(3) Second degree: any other kind of murder. (Same)
(4) Killing a member of state, city or town police force or any sheriff or deputy sheriff while resisting arrest. (Same)
(5) Assault by a prisoner on any keeper resulting in death. (Sec. 6004)
(6) Manslaughter: penalty clause. (Sec. 6015)
Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, express or implied, either voluntarily, in a sudden heat, or involuntarily, in the commission of an unlawful act or of a lawful act in an unlawful manner, is the law of this state. State v. Fenik (1923) 45 R.I. 309; State v. McVay (1926) 132 A. 436; State v. Smith (1915) 93 A. 1.
(7) Death of a woman resulting from use of poisons or drugs or instrument or any other means with intent to procure miscarriage. (Sec. 6035)

Omit

(1) Death within the state from dueling out of the state by previous appointment made within. (Sec. 6021)

2. RAPE

(1) Penalty clause. (Sec. 6017)
Note: Rape is not defined by statute. The common law definition, viz., that rape is the unlawful carnal knowledge of a woman forcibly and against her will, is the law of this state. See State v. Towjee (1904) 26 R.I. 234.
(2) Carnal knowledge and abuse of any girl under 16, or attempting same. (Secs. 6147, 6148)
(3) Assault with intent to commit rape. (Sec. 6030)
(4) All attempts.

3. ROBBERY

(1) Penalty clause. (Sec. 6016)
Note: Robbery is not defined by statute. The common law definition, viz., that robbery is the felonious taking of

personal property from another by force, is the law of this state. See State v. McCune (1857) 5 R.I. 60.

(2) Assault with intent to commit robbery. (Sec. 6030)

(3) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder. (Sec. 6030)

(2) Assault or battery or both, with a dangerous weapon or with acid or other dangerous substance.
(Sec. 6031, amended Pub. Laws 1925, Ch. 657, Sec. 1, p. 166)

(3) Assault by poisoning, etc. (Sec. 6028)

(4) Voluntarily, maliciously, or of purpose, putting out an eye, slitting nose, ear, or lips or cutting off, biting or disabling any limb or member of another. (Sec. 6018)

(5) Dueling. (Sec. 6019)

(6) All attempts.

Omit

(1) Assault or battery. (Sec. 6032)

(2) Assault with intent to rape. [See Rape (3).] (Sec. 6030)

(3) Assault with intent to rob. [See Robbery (2).] (Sec. 6030)

(4) Assault with intent to commit burglary. [See Burglary (6).] (Sec. 6030)

(5) Challenging to duel, accepting a challenge, etc. (Sec. 6020)

(6) Death by dueling. [See Felonious Homicide **Omit** (1).] (Sec. 6021)

(7) Throwing or shooting a missile at a train or street railway car or assaulting any conductor, driver, motorman, etc. (Sec. 6089)

5. BURGLARY—BREAKING OR ENTERING

(1) Penalty clause. (Sec. 6064)

Note: Burglary is not defined by statute. In such case the common law definition of the offense applies. See 12 C.J. 196; R. I. General Laws 1896, Ch. 297, Sec. 3; Martin v. Clarke (1866) 8 R.I. 389; State v. Eastern Coal Company (1908) 29 R.I. 254. Burglary, at common law, is the breaking and entering the house of another in the night time, with intent to commit a felony therein, whether the felony be actually committed or not. Bouvier's Law Dictionary, N. Y., 1928.

(2) Breaking and entering a bank, shop, office, warehouse or church, etc., in the night with intent to commit murder, rape, robbery, or larceny. (Sec. 6065)

(3) Entering any dwelling house at any time of the day or night, with intent to commit murder, robbery, rape, arson or larceny; or during the day time entering any other building, or ship or vessel, with such intent. [See **Omit** (3).]
(Sec. 6066, amended Pub. Laws 1928, Ch. 1209, p. 214)

(4) Breaking and entering barn, stable, or other building at night with intent to commit larceny or any felony, or breaking and entering a railroad car or breaking a lock on a railroad car with intent to commit a larceny therein. [See **Omit** (2).] (Sec. 6067)

(5) Breaking and entering, or in the night time entering a poultry house with intent to steal poultry. (Sec. 6083)

(6) Assault with intent to commit burglary. (Sec. 6030)

(7) All attempts.

(8) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing, mending, etc., burglars' tools, etc. (Sec. 6234)
(2) Breaking and entering barn, stable, or other building at night with intent to commit any misdemeanor. (Sec. 6067)
(3) Breaking and entering at any time of the day or night any dwelling house or apartment, occupied or not, or outhouse or garage attached to or adjoining any dwelling house, without consent of owner or tenant.
(Sec. 6066, amended Pub. Laws 1928, Ch. 1209, p. 214)
Note: No intent specified.

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the felonious stealing, taking and carrying away of the personal property of another, with intent to convert it to the use of the taker, and to deprive the owner permanently thereof is the law of this state. See State v. Davis (1916) 39 R.I. 276; Struthers v. Peckham (1900) 22 R.I. 8; State v. Shapiro (1908) 29 R.I. 133.
(2) Stealing any money, goods or chattels, bank note or bill, railroad ticket, public record, deed, etc., or other valuable property, where the property stolen is of value exceeding $500.
(Secs. 6068, 6075)
(3) Same, where value of property stolen does not exceed $500. (Sec. 6075)
(4) Stealing from the person. (Sec. 6069)
(5) Stealing from fish pot, weir or net of another. (Sec. 6082)
(6) Poultry from building or enclosure. (Sec. 6083)
(7) Water from reservoir, mill pond or canal. (Sec. 6099)
(8) Gas, water and electricity. (Secs. 6108, 6109, 6123, 6124)
(9) Horse or other domestic animal. (Sec. 6128)
(10) Apparatus of U. S. Volunteer Life Saving Corps. (Sec. 6129)
(11) Corn, grain, fruit or growing vegetable out of garden, etc., of another; or tree, underwood, cordwood, plant or shrub from private or public grounds.
(Sec. 6080, amended Pub. Laws 1928, Ch. 1215, p. 221)
(12) Will or other testamentary instrument. (Sec. 5393)
(13) Attempting to commit larceny by doing any act toward the commission of such offense, but failing in its perpetration.
(Ch. 402, Sec. 4, added by Pub. Laws 1923, Ch. 480, p. 158)

Omit

(1) Breaking and entering, or in the night entering, place where poultry is kept, with intent to steal. [See Burglary (5).] (Sec. 6083)
(2) Obtaining property by false pretense or false personation or representation. (Sec. 6072)
(3) Embezzlement or fraudulent conversion as larceny.
(Secs. 6073, 6074, 6075)
(4) Wilfully and maliciously taking or removing waste or packing from journal box of any locomotive, tender, car, etc. (Sec. 6094)
(5) Knowingly receiving stolen goods as larceny.
(Sec. 6070, amended Pub. Laws 1928, Ch. 1208, p. 214)
(6) Malicious destruction of trees, fruit, vegetables, plants, buildings, etc., of another; using vehicle in taking away or destruction of same.
(Sec. 6080, amended Pub. Laws 1928, Ch. 1215, Sec. 1, p. 221)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Operating a motor vehicle upon any public highway without permission of owner.
(General Laws 1923, Sec. 1453, amended Acts 1929, Ch. 1406, p. 290)
(2) Taking, driving, operating or using any motor vehicle in absence of owner and without owners' consent. Not applicable to taking of such property with intent to steal or under claim of right. (Sec. 6102)
(3) Using a motor vehicle in carrying away, destroying, etc., fruit, vegetables, trees, etc., of another.
(Sec. 6080, amended Pub. Laws 1928, Ch. 1215, Sec. 1, p. 221)

SOUTH CAROLINA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Code of Laws of South Carolina, 1922. Vol. II, Criminal Laws.
Acts of the General Assemblies of South Carolina, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: the killing of any person with malice aforethought, express or implied. (Code 1922, Vol. II, Sec. 1)
(2) Killing by stabbing another who has not then any weapon drawn, or has not then first stricken the person stabbing, although without proof of same being done with malice aforethought. (Sec. 3)
(3) Death caused by willful and malicious obstruction of railroad. (Sec. 4)
(4) Willful killing by poisoning. (Sec. 5)
(5) Killing another in any duel with a deadly weapon. (Sec. 6)
(6) Manslaughter: the unlawful killing of another without malice, express or implied. (Sec. 10)
(7) Death of woman occasioned by administering drug, etc., with intent to procure miscarriage, unless necessary to preserve her life or that of the child. (Sec. 12)
(8) Death by unskillful or negligent management of steamboat or engine. (Sec. 23)
(9) Death by willful or negligent violation of regulation by railroad employee. (Sec. 24)

Omit

(1) Death of child by administering drug, etc., to mother to procure miscarriage. (Sec. 12)

2. RAPE

(1) Ravishing a woman, married or otherwise, where she did not consent, either before or after, or ravishing a woman with force, although she consent after. (Sec. 7)
(2) Unlawfully and carnally knowing and abusing any woman child under 16; same, where she is over 10 years; where she is over 14, and under 16; where she is above 14 and previously unchaste and the defendant is under 18. (Sec. 9)
(3) Assault with intent to ravish. (Sec. 8)
(4) All attempts.

Omit

(1) Publishing the name of any person raped. (Sec. 170)

3. ROBBERY

(1) Not defined by statute. The common law definition, viz., that robbery is the felonious taking and carrying away the personal property of another, from his person or in his presence, by violence or putting him in fear, is the law of this state. See State v. Nathan (1851) 5 Rich. 219.
(2) Taking by robbery any bond, bill, note, etc. [See Larceny (5).] (Sec. 36)

(3) Stopping or impeding locomotive engine or cars by intimidation of those in charge by force or threats, for the purpose of taking and appropriating anything of value. (Sec. 45)
(4) Entering upon any locomotive engine or cars and by threats, exhibition of deadly weapons or the discharge of any pistol or gun inducing or compelling any persons on same to deliver up anything of value. (Sec. 46)
(5) Entering without breaking any building or part occupied as a bank, with intent to steal any money, securities or other thing of value, by force, intimidation, threats, etc. [See Burglary (3), Larceny (3).] (Sec. 35)
(6) All attempts, including assault with intent to rob.

4. AGGRAVATED ASSAULT

(1) Assault and battery with intent to kill while carrying concealed weapons. (Sec. 153)
(2) Assault by poison. (Sec. 11)
(3) Obstructing railroad tracks with intent to injure; injuring railroads so as to endanger lives; willful obstruction of railroad cars with intent to endanger passengers. (Secs. 14, 87, 654)
(4) All attempts.

Omit

(1) Administering medicine, etc., to produce or procure miscarriage or any woman applying for same. (Secs. 12, 25, 26)
(2) Pointing a loaded or unloaded firearm at another. (Sec. 17)
(3) Firing firearms at or into any houses occupied, as a dwelling. (Sec. 18)
(4) Injury from the unskilled or negligent operation of steamboats. (Sec. 23)
(5) Injury from willful neglect of railroad employees. (Sec. 24)
(6) Placing any explosive substance upon the rail of any railroad by an unauthorized person. (Sec. 86)
(7) Assault because of political opinions. (Sec. 310)
(8) Person injured through negligence or carelessness of railroad employees. (Secs. 635, 637)
(9) Shooting in or throwing at trains. (Sec. 655)
(10) Sending or accepting a challenge to fight a duel; carrying or delivering same or acting as second. (Secs. 15, 16)
(11) Death by dueling. [See Felonious Homicide (5)] (Sec. 6)
(12) Assault with intent to rape. [See Rape (3).] (Sec. 8)
(13) Death caused from the negligent management of steamboats. [See Felonious Homicide (8).] (Sec. 23)
(14) Death caused by willful neglect of railroad employees. [See Felonious Homicide (9).] (Sec. 24)
(15) Removing packing from car wheels, with intent to steal. [See Larceny (9).] (Sec. 47)
(16) Assaulting, threatening or intimidating any person, by an individual or group, while wearing a mask or otherwise disguised. (Laws 1928, No. 656, p. 1232)

5. BURGLARY—BREAKING OR ENTERING

(1) Committing the crime of burglary at common law. Penalty. (Code 1922, Vol. II, Sec. 32)

Note: Burglary is not defined by statute. The common law definition, viz., that burglary is the breaking and entering by night into the dwelling house of another with intent to commit a felony, is the law of this state. State

v. Ginns (1819) 1 Nott & Mc. 583; State v. Sampson (1879) 12 S.C. 567; State v. Branham (1879) 13 S.C. 389.

(2) Breaking and entering, or breaking with intent to enter, in the day time, any dwelling or other house,—or in the night time any house, the breaking and entering of which would not constitute burglary, with intent to commit a felony or lesser crime. (Sec. 33)
Note: Include only cases where intent to commit a felony or any larceny appears.

(3) Breaking and entering any building or part occupied as a bank, with intent to steal any money, securities or other thing of value, either by force, intimidation, threats, etc. [See Robbery (5) and Larceny (3).] (Sec. 35)

(4) Privily entering and stealing from any house, in the night time or day time. (Sec. 41)

(5) Using explosives in or about a safe for keeping money or other valuables, with intent to commit larceny or any other crime. (Sec. 44)

(6) Entering, without breaking, or attempting to enter any house or vessel whatsoever, with intent to steal or commit any other crime; or concealing self in same with like intent. (Sec. 48)

(7) Breaking and entering, in the night time, any railroad car; or entering in the night time without breaking, or breaking and entering in the day time, or shooting firearms into same, with intent to commit larceny or any other crime. (Sec. 88)

(8) All attempts, including assault with intent to commit burglary.

(9) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the taking and carrying away of the personal property of another with felonious intent to deprive the true owner of his property and convert it to the use of the taker, is the law of this state. State v. Seagler (1844) 1 Rich. 30; State v. Watson (1875) 7 S.C. 63; State v. Butler (1884) 21 S.C. 353.

(2) Petit larceny: any simple larceny of any article of goods, choses in action, bank bills, bills receivable, chattels or any articles of personality of which by law larceny may be committed, and of all such fixtures and parts of the soil as were severed from the soil by an unlawful act, below the value of $20. (Sec. 53)

(3) Entering bank with intent to steal by stealth. (Sec. 35)

(4) Privily stealing from the person—grand larceny. (Sec. 41)

(5) Any bond, warrant, bill, promissory note, etc., of another or of any corporation, of value of or above $20.00; of value below $20.00. (Sec. 36)

(6) Boat or canoe, or rope, sail, oar, etc., from landing places. (Sec. 37)

(7) Horse, cow or other livestock; knowingly marking or branding animals of another.
(Sec. 38, amended Acts 1929, No. 96, p. 101; Secs. 77, 78)

(8) Any bicycle. (Sec. 39)

(9) Removing brasses, bearing, packing, etc., from journal box of locomotive, tender or car with intent to steal. (Sec. 47)

(10) Electric current, gas.
(Sec. 49, amended Acts 1929, No. 52, p. 50; Secs. 52, 50, 51)

(11) Book, document or other property from State Librarian. (Sec. 85)

(12) Crude turpentine of value of $5.00. (Sec. 95)

(13) Fish from fish trap. (Sec. 793)

(14) Oysters from bed, laying or fishery. (Sec. 813)

(15) Melons or fruit, severed or not, from premises, of another; grain, cotton or vegetables, severed or not, from the field; entering lands of another to gather fruit, flowers, straw or turf, or to cut timber on same, or gather clams, oysters or other shell fish for sale; trespassing on State House grounds and cutting, etc., trees, grasses or flowers; digging ginseng on land of another.
(Secs. 62, 65, 82, amended Acts 1927, No. 209, p. 377; Secs. 83, 84, 106)
(16) Taking, obtaining, property, merchandise, etc., by fraudulent operation of automatic vending machines. (Acts 1927, No. 207, p. 375)
(17) All attempts.

Omit

(1) Breaking and entering or entering without breaking any bank with intent to steal by force, intimidation or threats. [See Burglary (3) and Robbery (5).] (Code 1922, Vol. II, Sec. 35)
(2) Taking by robbery any bond, warrant, note, etc. [See Robbery (2).] (Sec. 36)
(3) Loosing, etc., boat or canoe from any landing place. (Sec. 37)
(4) Taking or embezzling of chattel, bedding, etc., by lodger under contract. (Sec 40)
(5) Privily entering and stealing from any house, in night time or day time—grand larceny. [See Burglary (4).] (Sec. 41)
(6) Committing a breach of trust with fraudulent intent. (Sec. 43)
(7) Willfully and maliciously, or with intent to injure, taking or removing packing, etc., from journal boxes. (Sec. 47)
(8) Entering, without breaking, or attempting to enter any house or vessel with intent to steal or commit any other crime, or concealing self in same with such intent. [See Burglary (6).] (Sec. 48)
(9) Obtaining property by false pretense or representation. (Sec. 64)
(10) Selling drifted boat or lumber without advertisement. (Sec. 94)
(11) Converting, etc., estrays. (Sec. 120)
(12) Taking and using vehicle or bicycle or horse, mare or mule without consent and without intent to steal same. (Sec. 97)
(13) Fraudulently disposing of military property. (Sec. 243)
(14) Drawing check with insufficient funds. (Acts 1923, No. 75, p. 120)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Taking and using motor vehicle without consent and without intent to steal same. (Code 1922, Vol. II, Sec. 97)

SOUTH DAKOTA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
The South Dakota Revised Code, 1919.
Session Laws of South Dakota 1919, Special 1919-1920, 1921, 1923, 1925, 1927, Special 1927.

1. FELONIOUS HOMICIDE

(1) Murder: homicide perpetrated without authority of law and with premeditated design to effect death of the person killed or any other human being; or when perpetrated by an act imminently dangerous to others and evincing a depraved mind regardless of human life, though without premeditated design to effect death of any particular individual; or when perpetrated without design to effect death by a person engaged in the commission of any felony. (Rev. Code 1919, Vol. I, Sec. 4012)

(2) Killing resulting from forcible entry by two or more persons of a mine in possession of another. (Sec. 4018)

(3) Death resulting from malicious injury or obstruction to railroads. (Secs. 4306, 4307)

(4) Manslaughter: First degree: killing without design to effect death by a person while engaged in commission of a misdemeanor; or without design to effect death and in a heat of passion but in a cruel and unusual manner or by means of a dangerous weapon, unless excusable or justifiable; or killing unnecessarily either while resisting attempt by person killed to commit a crime or after such attempt shall have failed. (Sec. 4020)

(5) First degree: death of mother by administering drugs, etc., to procure destruction of unborn quick child, unless necessary to preserve life of mother.
(Sec. 4022, amended Sess. Laws 1923, Ch. 218, p. 214)

(6) Second degree: every killing of one human being by the act, procurement, or culpable negligence of another, not murder or manslaughter in the first degree nor excusable nor justifiable homicide. (Sec. 4024)

(7) Second degree: killing by a mischievous animal allowed to run at large by owner without ordinary care. (Sec. 4025)

(8) Second degree: killing or drowning caused willfully or by negligently overloading a vessel operated for gain. (Sec. 4026)

(9) Second degree: killing by willful, ignorant or negligent operation of steamboat boiler, etc., causing explosion. (Sec. 4027)

(10) Second degree: same in manufactory, railway or other mechanical works. (Sec. 4028)

(11) Second degree: death caused by act of physician while intoxicated, without a design to effect death. (Sec. 4029)

(12) Second degree: killing from an explosion of gunpowder kept or made unlawfully in a city or town. (Sec. 4030)

(13) Second degree: death from intoxicating liquor, unlawfully sold or furnished where the act is not murder nor manslaughter in the first degree. (Sess. Laws 1925, Ch. 205, p. 220)

Omit

(1) Willful killing of an unborn quick child by injury to the mother. (Rev. Code 1919, Vol. I, Sec. 4021)

(2) Death of child resulting from administering drug, etc., to pregnant woman with intent to destroy child. (Sec. 4022, amended Sess. Laws 1923, Ch. 218, p. 214)

(3) Death by wound from duel fought out of state by appointment made within State. (Sec. 4017)

2. RAPE

(1) An act of sexual intercourse accomplished with a female not the wife of the perpetrator where she is under 18; or where she is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent, or where she resists but is overcome by force or violence, or where she is prevented from resisting by threats of immediate and great bodily harm accompanied by apparent power of execution, or where she is prevented from resisting by a narcotic, intoxicating or anesthetic agent administered by or with privity of the accused; or where she is at the time unconscious of the nature of the act and this is known to the accused; or where she submits in belief it is her husband, such belief being induced by artifice practiced by the accused, with intent to induce it. (Sec. 4092)

(2) First degree: rape committed upon a female under the age of 10; or in a female incapable, through lunacy or other unsoundness of mind of giving legal consent; or accomplished by force overcoming her resistance. (Sec. 4095)

(3) Second degree: all other cases. (Sec. 4096)

(4) Assault with intent to rape. (Secs. 4063, 4064, 4065

(5) All attempts.

3. ROBBERY

(1) A wrongful taking of personal property in the possession of another from his person or immediate presence and against his will, accomplished by means of force or fear; such fear being either of an unlawful injury, immediate or future, to the person or property of the person robbed or of any relative or member of his family; or of immediate and unlawful injury to the person or property of anyone in his company at the time. (Secs. 4053, 4056)

(2) First degree: robbery accomplished by use of force or putting person robbed in fear of some immediate injury to his person. (Sec. 4059)

(3) Second degree: all other robbery. (Sec. 4059)

(4) Robbery by 2 or more persons. (Sec. 4062)

(5) Assault with intent to rob. (Secs. 4063, 4064, 4065)

(6) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill. (Sec. 4052)

(2) Shooting with intent to kill. (Sec. 4051)

(3) Poisoning with intent to kill. (Sec. 4050)

(4) Poisoning food, drink or medicine, spring or reservoir, with intent to injure. (Sec. 4124)

(5) Assault with a dangerous weapon with intent to do great bodily harm. (Sec. 4081)

(6) Dueling. (Sec. 4066)

(7) Inflicting upon the person of another with premeditated design to injure him any injury which disfigures his personal appearance or disables any member or organ of his body or seriously diminishes his physical vigor. (Sec. 4035)

(8) All attempts.

Omit

(1) Maiming oneself to avoid a legal duty or for the purpose of procuring alms, etc. (Secs. 4036, 4037)
(2) Seconding a duel; challenging, sending or delivering a challenge to duel, etc., leaving the state to avoid the dueling law; attempting to induce a challenge to duel, posting another for refusal to duel, etc. (Secs. 4069, 4070, 4072, 4073, 4074)
(3) Any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another. (Sec. 4077)
(4) Any willful and unlawful use of force or violence upon the person of another. (Sec. 4078)
(5) Assault with intent to commit any felony other than to kill, or in resisting legal process; or by administering drugs with intent to commit any felony. [See Rape (4), Robbery (5), Burglary (10).] (Secs. 4063, 4064, 4065)

5. BURGLARY—BREAKING OR ENTERING

(1) First degree: breaking and entering in the night time the dwelling house of another, in which there is at the time some human being, with intent to commit crime therein, by forcibly bursting or breaking the wall, or an outer door, window, shutter, lock, bolt or fastening, or by breaking in any other manner, being armed with a dangerous weapon or assisted by a confederate then actually present, or by unlocking an outer door by picking the lock or with false keys. (Sec. 4165)
(2) Second degree: breaking into any dwelling house in the day time under such circumstances as would have constituted burglary first degree if committed at night. (Sec. 4166)
(3) Second degree: having entered the dwelling house of another in the night through an open outer door, or aperture not made by such person, and breaking any inner door, etc., with intent to commit any crime. (Sec. 4167)
(4) Second degree: being lawfully in any dwelling house and breaking in the night time any inner door of same, with intent to commit any crime. (Sec. 4168)
(5) Third degree: breaking into any dwelling house in the night time with intent to commit a crime but under such circumstances as do not constitute the offense of burglary in the first degree. (Sec. 4169)
(6) Third degree: breaking or entering, in day or night time, any building within the curtilage of a dwelling house but not a part thereof or any building or part thereof, booth, tent, railroad car, vessel or other structure or erection in which any property is kept, with intent to commit larceny or any felony. (Sec. 4170)
(7) Fourth degree: breaking and entering a dwelling house of another, by day or night, in such a manner as not to constitute any burglary specified in the preceding section, with intent to commit a crime. (Sec. 4171)
(8) Fourth degree: having committed any crime in the dwelling house of another, breaking in the night time any outer door, window, etc., to get out. (Sec. 4172)
(9) Breaking and entering, by day or night, with intent to commit any crime, any building, inhabited or not, and opening or attempting to open any vault, safe or other place by the use of explosives. (Sec. 4178)
(10) Assault with intent to commit burglary. (Secs. 4063, 4064, 4065)
(11) All attempts.

(12) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession of burglar's tools, etc. (Sec. 4174)
(2) Entering, under circumstances not amounting to any burglary, any building or part of any building, booth, tent, warehouse, railroad car, vessel or other structure with intent to commit felony, larceny or malicious mischief. [See Larceny (6).] (Sec. 4175)

6. LARCENY—THEFT (except auto theft)

(1) The taking of personal property, accomplished by fraud or stealth, and with intent to deprive another thereof. (Sec. 4210)
(2) Grand larceny: Larceny of property of value exceeding $20.00. Larceny of property, though not of such value, from the person of another.
Larceny of a horse, bull, steer, etc., building or poultry—though not of such value. (See 4213, amended Sess. L. 1927, Ch. 155, p. 173)
(3) Petit larceny: other cases than grand. (Sec. 4213, amended Sess. L. 1927, Ch. 155, p. 173)
(4) Grand larceny committed in a dwelling house or vessel. (Sec. 4216)
(5) Grand larceny by stealing in the night time from the person of another. (Sec. 4217)
(6) Entering under circumstances not amounting to burglary, any building or part of any building, booth, tent, warehouse, railroad, vessel or other structure with intent to commit larceny. (Sec. 4175)
(7) Any fixture or part of the realty, severed at the time of taking. (Sec. 4221)
(8) Public records. (Sec. 3743)
(9) Opening grave or place of burial, etc., with intent to steal any coffin, attachment, etc. (Sec. 3879)
(10) Seizing or taking away military stores, etc., from fort, arsenal, etc., or entering with intent to do so. (Sec. 3830)
(11) Cutting, removing, etc., timber or wood standing or growing on school or public lands, any valuable thing naturally a product on same, or hay therefrom, not having a lease; wood or timber cut down and lying on land of another; severing produce or anything attached to the freehold; earth, soil or stone from city lot or street; fruit, melons, flowers, etc., from premises of another in the day time, in the night time; fruit or other trees growing or standing on land of another. (Secs. 3832, 3833, 4331, 4334 to 4336)
(12) Saw logs on river or land adjoining. (Sec. 4376)
(13) Defacing marks on logs or lumber or falsely marking same. (Sec. 4141)
(14) Defacing marks on wrecked property or destroying document tending to show ownership. (Sec. 4140)
(15) Diverting waters of irrigating ditch. (Sec. 4313)
(16) Gas, water, electricity. (Sec. 4396)
(17) Interfering with brand on livestock. (Sess. L. 1927, Ch. 161, p. 178, Sec. 15)
(18) All attempts.

Omit

(1) Finding and appropriating lost property under circumstances giving knowledge or means of inquiry as to the true owner, without effort to find owner. (Rev. Code 1919, Vol. 1, Sec. 4211)

(2) Concealing estrays or lost goods; effacing marks or brands thereon; carrying same outside the state or failing to advertise same as required by statute. (Sec. 4378)
(3) Willfully and maliciously taking and removing waste, packing or brass from journal boxes of railroad carriage, locomotive, etc. (Sec. 4317)
(4) Misappropriation of payments made on contracts for improvements to realty. (Sec. 1658)
(5) Warehouseman refusing to deliver grain to bailor. (Vol. 2, Sec. 9760)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Taking and operating motor vehicle of another without consent of owner or person lawfully in charge, under such circumstances as not to constitute larceny.
(Sess. L. 1919, Ch. 268, p. 315)

TENNESSEE

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Annotated Code of Tennessee: A Compilation of Tennessee Statutes, by R. W. Shannon, 1917-1918.
Supplement, 1926.
Public Acts, 1927.

1. FELONIOUS HOMICIDE

(1) Murder: person of sound memory and discretion, unlawfully killing any reasonable creature in being and under the peace of the state, with malice aforethought, express or implied. (Code 1918, Vol. 5, Sec. 6438)
(2) First degree: Murder perpetrated by lying in wait, poison, or any other kind of willful, malicious and premeditated killing, or in perpetrating or attempting to perpetrate any arson, rape, robbery, burglary or larceny. (Sec. 6439)
(3) Second degree: all other kinds of murder. (Sec. 6440)
(4) Death due to willfully and maliciously obstructing a railroad or interfering with railroad property. (Sec. 6480)
(5) Manslaughter: the unlawful killing of another without malice, express or implied.
Voluntary manslaughter: killing upon a sudden passion.
Involuntary manslaughter: killing while in the commission of an unlawful act. (Sec. 6444)
(6) Manufacturer furnishing intoxicating liquor causing death; same, by one not its manufacturer. (Supp. 1926, Sec. 6743a1)
(7) Death caused by a railroad accident due to the wrongful act, negligence or omission of the engineer, conductor or other manager. (Code 1918, Vol. 5, Secs. 6482, 6483a2, 6484)
(8) Death due to the willful negligence or gross want of skill of person operating a steamboat or its machinery. (Sec. 6478)

2. RAPE

(1) The unlawful carnal knowledge of a woman forcibly and against her will. (Sec. 6451)
(2) Willfully and maliciously having carnal knowledge of a married woman without her consent, by pretending to be her husband. (Sec. 6453)
(3) Carnal knowledge of a female of ten or upwards, without her consent, by administering stupefying substance such as to prevent effectual resistance. (Sec. 6454)
(4) Carnal knowledge and abuse of a female under 12. (Sec. 6455)
(5) Unlawful or carnal knowledge of a female over 12 and under 21, in all cases not falling under the statute relating to rape. (Sec. 6456)
(6) Assault and battery with intent to have unlawful carnal knowledge of a female forcibly and against her will. (Sec. 6459)
(7) All attempts.

3. ROBBERY

(1) The felonious and forcible taking from the person of another, goods or money of any value, by violence or putting in fear. (Sec. 6472)
(2) Taking by robbery bills, notes, public records or other valuable papers. (Sec. 6557)

(3) Feloniously entering any banking house or place where moneys and securities are deposited and feloniously taking or attempting to take and remove the same, by violence or putting in fear any person charged with the custody of same. (Supp. 1926, Sec. 6473a1)
(4) Assault with intent to commit robbery. (Code 1918, Vol. 5, Sec. 6468)
(5) All attempts.

Omit

(1) Threatening to accuse another of crime, or do any injury to the person or property of another, with intent to extort any money, property, etc. (Sec. 6474)

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder. (Sec. 6467)
(2) Unlawfully or maliciously shooting or stabbing another. (Sec. 6449)
(3) Stabbing with a long knife or other weapon in sudden encounter. (Sec. 6633)
(4) Assaulting another with a deadly weapon while in disguise. (Sec. 6670)
(5) Unlawfully and maliciously cutting off the tongue, putting out an eye, etc., except biting off finger in personal combat. (Secs. 6447, 6448)
(6) Injury from malicious obstruction of railroad track. (Sec. 6481)
(7) Furnishing liquor resulting in partial paralysis of mind or body, loss of sight, etc. (Supp. 1926, Sec. 6743a2)
(8) All attempts.

Omit

(1) Maliciously drawing long knife or weapon from one's clothes for the purpose of sticking, cutting or intimidating another. (Code 1918, Vol. 5, Sec. 6632)
(2) Unlawfully, willfully or maliciously shooting into a car. (Sec. 6495)
(3) Racing a steamboat so that boiler bursts. (Sec. 6475)
(4) Negligent operation of a steamboat by captain, engineer, etc., resulting in injury or death. [See Felonious Homicide (8).] (Sec. 6478)
(5) Death resulting from obstructing railroads, etc. [See Felonious Homicide (4).] (Sec. 6480)
(6) Negligent or wrongful act of railroad engineer, manager, etc., where any person is crippled or wounded or killed. [See Felonious Homicide (7).] (Secs. 6482, 6483, 6483a1, 6483a2, 6484)
(7) Assault with intent to rape. [See Rape (6).] (Sec. 6459)
(8) Assault with intent to rob. [See Robbery (4).] (Sec. 6468)
(9) Assault with intent to commit any felony. [See Burglary (7).] (Sec. 6471)
(10) Giving, accepting or knowingly carrying a challenge to duel, publishing another for refusal to fight a duel. (Secs. 6664, 6666)
(11) Throwing any wood, stone, or other thing against or into any railroad car with intent to injure any person. (Sec. 6489)
(12) Same; steamboat, railroad, car, omnibus, wagon, etc. (Sec. 6490)
(13) Overloading a vessel, endangering life. (Sec. 6477)
(14) Assaulting and beating another with a cowhide, stick or whip, having a pistol in possession at the time. (Sec. 6469)
(15) Assault and battery on wife. (Sec. 6470)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering into a mansion house by night, with intent to commit a felony. (Sec. 6535)
(2) Breaking or entering into a mansion house by day, with intent to commit a felony. (Sec. 6536)

(3) Breaking and entering into a business house, outhouse or any other house of another, other than a mansion house, with intent to commit a felony. (Sec. 6537)
(4) Breaking and entering into a freight or passenger car, or any barn or stable, by day or night, with intent to steal therefrom or to commit a felony. (Sec. 6538)
(5) Breaking after entering any buildings as described in Secs. 6535, 6536, 6537, and 6538 with intent to commit a felony. (Sec. 6539)
(6) Breaking and entering with intent to commit a crime, by day or night, any building, inhabited or not, and opening or attempting to open any vault, safe or other secure place by the use of explosives. (Supp. 1926, Sec. 6538a1)
(7) Assault with intent to commit burglary. (Code 1918, Vol. 5, Sec. 6471)
(8) All attempts.
(9) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Carrying burglarious instruments. (Sec. 6541)
(2) Manufacture, sale, possession, etc., of explosives, percussion caps, etc., for burglarious purposes. (Supp. 1926, Sec. 6541a1)

6. **LARCENY—THEFT (except auto theft)**

(1) The felonious taking and carrying away the personal goods of another. (Code 1918, Vol. 5, Sec. 6542)
(2) Grand larceny: larceny of goods over the value of $30.00. (Sec. 6543)
(3) Petit larceny: larceny of goods not exceeding the value of $30.00. (Sec. 6543)
(4) Fraudulent appropriation of property by any person to whose charge or care it is delivered, subject to the immediate orders of the owner, or to the use of it in his presence, or for the purpose of his trade. (Sec. 6544)
Note: Include here cases where owner parts with custody only, and not with the possession, as in case of bailment.
(5) Contract for loan, hiring or other bailment, etc., merely to obtain possession with intent of fraudulent appropriation. (Secs. 6545, 6584)
Note: As distinguished from cases of receiving with intent to comply with the contract, and a subsequent determination to appropriate. (See Sec. 6583 in Code for distinction.)
(6) Larceny from the person. (Sec. 6548)
(7) Water from canal, pond, reservoir, etc. (Sec. 6506[2])
(8) U. S. coast survey property; fixtures or other property of any gas company. (Secs. 6506[7], [8])
(9) Electric current; water. (Secs. 6507a1; Supp. 1926, Sec. 6520a4)
(10) Wires, bolts, rails or appliances from electric railway. (Code 1918, Vol. 5, Sec. 6526a3)
(11) Horse, mule or ass. (Sec. 6552)
(12) Public records, notes, bills, etc., or other valuable papers. (Secs. 6557, 6559, 6566, 6567)
(13) Fish from box, net or brook of another. (Supp. 1926, Sec. 6501a3)
(14) Cutting out, defacing or obliterating brands on saw logs of another in streams of the state with intent to convert. (Code 1918, Vol. 5, Sec. 6736[7])
(15) Opening grave with intent to steal coffin or anything deposited therewith. (Sec. 6774)
(16) Severing and carrying away any property or thing attached from freehold of another; cutting down timber, of value ex-

ceeding 50¢, with intent to convert; carrying away rails or other lumber of another; severing or carrying away trees, shrubs, grain, fruit, vegetables, etc., from inclosed lands of another, or earth, stone, or any ore or mineral; or ears of corn from the stalks; or ginseng or golden seal or its seed; or timber, standing or lying on land of another, or of the state. [Code 1918, Vol. 5, Secs. 6496(6) to (9); 6496(15), (16); 6498, 6498a1; 6503a1, a3; Supp. 1926, Sec. 6498a3; Pub. Acts 1927, Ch. 16, p. 42]

(17) Taking, obtaining or receiving property, goods, merchandise, etc., by fraudulent operation of automatic vending machine. (Pub. Acts 1927, Ch. 49, Sec. 1, p. 125)

(18) All attempts.

Omit

(1) Taking horse or other animal of another for temporary use. (Code 1918, Vol. 5, Sec. 6499)
(2) Loosing, carrying away, etc., watercraft of another from its moorings. (Sec. 6496[13])
(3) Receiving, buying, etc., stolen goods. (Secs. 6549, 6554, 6558)
(4) Taking by robbery public records, bills, notes, or other valuable papers. [See Robbery (2).] (Sec. 6557)
(5) Finding and unlawfully appropriating personal property, knowing the owner. (Sec. 6551)
(6) Obtaining money, other property, or credit, by drawing check which is not paid. (Sec. 6742a8)
(7) Killing, selling, etc., estrays. (Vol. 2, Sec. 2763a2)

7. AUTO THEFT

(1) Taking the automobile, motorcycle, truck or electric vehicle of another without consent, with intent to appropriate same to own use *permanently*. (Supp. 1926, Sec. 6567a4)

(2) All attempts.

Omit

(1) Taking the automobile, motorcycle, truck or electric or like vehicle of another, without consent, with intent to use same *temporarily*. (Sec. 6567a4)
(2) Chauffeur or another using automobile without owner's consent. (Code 1918, Vol. 5, Sec. 6501a1)

TEXAS

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
The 1928 Complete Texas Statutes, Penal Code, p. 1043.

1. FELONIOUS HOMICIDE

(1) Murder: the voluntary killing of any person within the state other than negligent, excusable or justifiable homicide. (Pen. C. 1928, Art. 1256)
(2) Death within 3 months as result of dueling. (Art. 1260)
(3) Death within 1 year from poisoning or administering injurious substance with intent to kill or injure. (Arts. 1197, 1198, 1199)
(4) Death from arson or other wilful burning. (Art. 1325)
(5) Death from wilful tampering with buoy or signal, with intent to mislead or deceive. (Art. 1331)
(6) Death by wilfully and maliciously destroying vessel other than by fire, of value, together with its cargo, of $100 or more. (Art. 1332)
(7) Death by wilful obstruction of or injury to railroad. (Art. 1335)
(8) Death by wilful collision by driver of motor vehicle. [See (12) below.] (Art. 1149)
(9) Death by chastisement of child, ward, scholar or apprentice, by parent, guardian, schoolmaster or master, with an instrument likely to produce death or cruelly inflicted. (Art. 1229)
(10) Homicide by negligence: First degree: while in the performance of a lawful act, by negligence and carelessness causing the death of another. (Arts. 1231 to 1235)
(11) Second degree: causing death while committing or attempting to commit an unlawful act, less than a felony. (Arts. 1238, 1241)
(12) Death by negligent operation of motor vehicle. [See (8) above.] (Art. 1149)
(13) Death of mother by procuring or attempting to procure an abortion, except to save life, under medical advice. (Arts. 1194, 1196)
(14) Death caused by person practising medicine administering any noxious substance in a grossly ignorant manner. (Art. 1200)

Omit

(1) Destroying unborn child during parturition of mother, which child would otherwise have been born alive, except to save life of mother under medical advice. (Arts. 1195, 1196)

2. RAPE

(1) Carnal knowledge of a woman without her consent, obtained by force, threats or fraud; or of a woman other than the wife of the perpetrator, with or without consent and with or without the use of force, threats or fraud, she being so mentally diseased as to have no will to oppose the act, and the perpetrator knowing her to be so diseased; or carnal knowledge of a female under 18, other than the wife of the perpetrator, with or without her consent or with or without the use of force, threats or fraud; same, where she was 15 years or over and consented and was not of previous chaste character. Force must be reasonably sufficient to overcome resistance; threat must be such as to create fear of death or great bodily harm; fraud

must consist in the use of some stratagem by which she is induced to believe the man is her husband, or in administering without her knowledge or consent some substance producing unnatural sexual desire or such stupor as prevents or weakens resistance. (Arts. 1183, 1186)

(2) Attempt to rape, not amounting to assault with intent to commit rape. (Art. 1190)

(3) Assault with intent to commit rape. (Art. 1162)

3. ROBBERY

(1) Fraudulently taking from the person or possession of another any property with intent to appropriate same to own use, by assault, violence, or putting in fear of life or bodily injury; or when a firearm or other deadly weapon is used or exhibited. (Art. 1408)

(2) Assault with intent to rob. (Art. 1163)

(3) All attempts.

Omit

(1) Fraudulently inducing another to deliver any property, with intent to appropriate same, by threat to do some illegal act injurious to the character, person or property of another. (Art. 1409)

4. AGGRAVATED ASSAULT

(1) Poisoning food, etc., with intent to kill. (Art. 1197)

(2) Administering injurious substances with intent to kill or injure. (Art. 1198)

(3) Assault in disguise by lying in wait with intent to murder. (Art. 1159)

(4) Assault with intent to maim, etc. (Art. 1159)

(5) Dueling. (Art. 1259)

(6) Assault with deadly weapons under circumstances not amounting to intent to murder or maim, or with premeditated design, by means calculated to inflict great bodily injury. (Art. 1147)

(7) Assault with a prohibited weapon such as a pistol, dirk, dagger, etc. (Art. 1151)

(8) Wilfully and maliciously cutting off or depriving a person of the hand, arm, finger, toe, foot, leg, nose or ear; or putting out an eye or in any way depriving a person of any other member of his body. (Art. 1166)

(9) Wilfully and maliciously placing any mark by means of a knife or other instrument upon the face or other part of the person of another. (Art. 1167)

(10) Wilfully or maliciously depriving any person of the testicles or any part. (Art. 1168)

(11) All attempts.

Omit

(1) The use of any unlawful violence upon the person of another with intent to injure him or any attempt to commit a battery or any threatening gesture showing in itself or by words accompanying it, an immediate intention coupled with ability. (Arts. 1138, 1144)

(2) Intimidation by threatening words or acts of violence or preventing or attempting to prevent another from engaging in lawful employment. (Art. 1146)

(3) Wilful or negligent operation of a motor vehicle resulting in less than death or resulting in death. (See Felonious Homicide (8), (12).] (Art. 1149)

(4) Excessive whipping of prisoners. (Art. 349)
(5) Unauthorized punishment of prisoners. (Art. 353)
(6) Preventing moving of train by force, threats or intimidation of any kind against any officer or employee engaged in running same. (Art. 1337)
(7) Assault by two or more masked persons or false imprisonment by them. (Art. 454e)
(8) Death within one year as result of poisoning or administering injurious substances. [See Felonious Homicide (3).] (Arts. 1197, 1198, 1199)
(9) Death caused by person engaged in practise of medicine by use of noxious substance in an ignorant manner. [See Felonious Homicide (14).] (Art. 1200)
(10) Death within three months from dueling. [See Felonious Homicide (2).] (Art. 1260)
(11) Seconding a duel; challenging, etc.; publishing another for refusal to duel. (Arts. 1259, 1302)
(12) Unlawful interference with persons loading, unloading or transporting any commerce within state. (Art. 1094)
(13) Conspiracy to intimidate. (Art. 1095)
(14) Hazing. (Art. 1152)
(15) Use of violence by infliction of physical or mental pain by official to induce confession from prisoner. (Art. 1157)
(16) Assault with intent to rape. [See Rape (3).] (Art. 1162)
(17) Assault with intent to rob. [See Robbery (2).] (Art. 1163)
(18) Assault with intent to commit burglary. [See Burglary (8).] (Art. 1164)
(19) Assaults with aggravating features, as, upon an officer; in a court or place of religious worship or of innocent amusement; in a private dwelling; upon the aged or decrepit; or by adult male on a female or child or by adult female on a child; or by a whip or cowhide; or where serious bodily injury is inflicted. (Art. 1147)
Note: Omit hereunder cases of physical injury other than (1) to (11) above.

5. BURGLARY—BREAKING OR ENTERING

(1) Entering a house by force, threats or fraud, at night, or entering in like manner at any time, day or night, and remaining concealed therein, with intent in either case of committing a felony or the crime of theft. (Art. 1389)
(2) Breaking and entering a house in the day time, with intent to commit a felony or theft. (Art. 1390)
(3) Burglary of a private residence at night by entering same by force, threats or fraud, at night, or by entering in any manner at any time, day or night, and remaining concealed therein until night, with intent, in either case of committing a felony, or the crime of theft. (Art. 1391)
(4) Committing burglary by the use of explosives. (Art. 1398)
(5) Entering at night, by force, threats or fraud, any vessel, steamboat or railroad car, with intent to commit a felony or theft. (Art. 1403)
(6) Breaking and entering a vessel, steamboat or railroad car in the daytime, with intent to commit a felony or theft. (Art. 1404)
(7) Attempt at burglary. (Art. 1402)
(8) Assault with intent to commit burglary. (Art. 1164)
(9) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Entering a house to commit theft, by a domestic servant or other inhabitant, without breaking. [See Larceny (5).] (Art. 1401)
(2) Theft on steamboat, vessel or railroad car by servant or employee, without an actual breaking in. [See Larceny (6).] (Art. 1407)

6. LARCENY—THEFT (except auto theft)

(1) The fraudulent taking of corporeal personal property belonging to another from his possession, or the possession of some person holding it for him, without his consent, with intent to deprive the owner of the value of same or to appropriate it to the use or benefit of the taker. (Art. 1410)
(2) Felony theft: theft of property of value of $50.00 or over. (Art. 1421)
(3) Misdemeanor theft: theft of property of value over $5.00 and under $50.00; of value of $5.00 or under. (Art. 1422)
(4) Theft from the person. (Arts. 1423, 1437, 1438, 1439)
(5) Theft in house by servant or other inhabitant after entering without breaking. (Art. 1401)
(6) Theft on vessel, railroad car, etc., by servant or employee, where there has been no actual breaking in. (Art. 1407)
(7) Money, merchandise, agricultural produce, clothing, written evidence of debt, etc., and all property commonly called personal, of any ascertainable value; domesticated animals and birds, when proved to be of any specific value. (Arts. 1418, 1419)
(8) Agricultural products, growing, standing or remaining ungathered. (Art. 1426)
(9) Record books or filed papers. (Art. 1427)
(10) Property from wreck. (Art. 1428)
(11) Property from public buildings or grounds. (Art. 864)
(12) Gas, water, electricity. (Art. 1056)
(13) Any chicken or turkey. (Art. 1442a)
(14) Livestock:
a. Horse, ass, mule, etc., etc. (Arts. 1440, 1442)
b. Wilfully driving stock from range. (Art. 1443)
c. Illegally marking and branding same, with intent to defraud owner; altering or defacing mark or brand. (Arts. 1458, 1459)
d. Killing unmarked or unbranded cattle or sheep, etc., of another. (Art. 1462)
e. Skinning cattle of another. (Art. 1463)
f. Milking another's cow. (Art. 1466)
(15) Removing rock, earth, coal, etc., from land of another; fruit from orchards; cutting down or carrying away timber from another's land; destroying walnut tree; gathering pecans or destroying pecan timber. (Arts. 1348, 1349, 1379, 1382, 1383, 1384)
(16) Logs or timber: floating unbranded logs for market; defacing timber brands; taking into possession timber cut for floating or sawing, or sawed floating timber. (Art. 1388)
(17) Removing parts of motor vehicle or bicycle. (Art. 1346)
(18) Injuring irrigation property or work with intent to steal water, etc. (Art. 1361)
(19) All attempts.

Omit

(1) Conversion by bailee. (Art. 1429)
(2) Taking or disposing of estrays in such manner as to be theft; unlawful use or disposition of same. (Art. 1470)

(3) Unauthorized use:
a. Unauthorized use of any boat, removal of motor or any part. (Art. 1333)
b. Using animal without consent. (Art. 1340)
(4) Secreting or disposing of military property of the state. (Art. 147)
(5) Livestock: Using mark or brand not on record; altering brand to one unrecorded; possessing cattle hide without owner's consent; possessing and offering for sale cattle hide with brand disfigured. (Arts. 1460, 1461, 1464, 1465)
(6) Buying or selling unbranded logs. (Art. 1388)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Driving vehicle without consent; unlawful use of State's vehicle. (Pen. C. 1928, Arts. 1341, 1342)

UTAH

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Compiled Laws of the State of Utah, 1917.
Laws of Utah, Special Session 1919, Sessions 1919, 1921, 1923, 1925, 1927, 1929 and Special Session 1927.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being, with malice aforethought. (Comp. Laws 1917, Sec. 8023)
(2) First degree: every murder perpetrated by poison, lying in wait or any other kind of wilful, deliberate, malicious and premeditated killing; or committed in perpetration of or attempt to perpetrate any arson, rape, burglary or robbery; or perpetrated from premeditated design unlawfully and maliciously to effect the death of any human being other than he who is killed; or by any act greatly dangerous to the lives of others and evincing a depraved mind regardless of human life. (Sec. 8025)
(3) First degree: death from dueling. (Sec. 8056)
(4) Second degree: any other homicide committed under such circumstances as would have constituted murder at common law. (Sec. 8025)
(5) Manslaughter: the unlawful killing of any human being without malice.
Voluntary manslaughter: killing upon a sudden quarrel or heat of passion.
Involuntary manslaughter: killing in the commission of an unlawful act not amounting to a felony, or of a lawful act which might produce death, in an unlawful manner or without due caution and circumspection. (Sec. 8027)
(6) Death resulting from wilful, ignorant, or neglectful operation of a boiler or engine. (Sec. 8174)
(7) Death caused by the wilful or negligent operation of a railroad car, locomotive or train, by conductor, engineer, etc. (Sec. 8175)
(8) Death resulting from mislabelling, omitting to label, etc., drugs or medicines by a druggist. (Sec. 8199)
(9) Death caused by a mischievous animal suffered to go at large. (Sec. 8207)

2. RAPE

(1) An act of sexual intercourse accomplished with a femade not the wife of the perpetrator, when the female is under 13, or when she is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent, or when she resists, but her resistance is overcome by force or violence, or when she is prevented from resisting by threats of immediate and great bodily harm accompanied by apparent power of execution or by any intoxicating, narcotic or anesthetic substance administered by or with the privity of the accused, or when she is at the time unconscious of the nature of the act and this is known to the accused, or when she submits under belief that the person committing the act is her husband, such belief being induced by artifice, pretense or concealment practised by the accused with intent to induce such belief. (Sec. 8105)
(2) Carnal and unlawful knowledge of female over 13 and under 18. (Sec. 8109)

(3) Assault with intent to commit rape. (Secs. 8047, 8050)
(4) All attempts.

Omit

(1) Taking indecent liberties. (Sec. 8049)

3. ROBBERY

(1) The felonious taking of personal property in the possession of another, from his person or immediate presence and against his will, accomplished by means of force or fear. (Sec. 8043)
(2) Assaulting with a deadly weapon, instrument or other thing, with intent to rob. (Sec. 8044X, Laws 1923, Ch. 30, p. 43, Sec. 8050)
(3) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to commit murder. (Comp. Laws 1917, Sec. 8046, amended Laws 1923, Ch. 29, p. 43)
(2) Assault with intent to commit mayhem. (Sec. 8047)
(3) With intent to kill, administering or causing to be administered to another any poison or other noxious or destructive substance or liquid. (Sec. 8045)
(4) Wilfully mingling poison with food, drink, or medicine or poisoning any spring, well, etc. (Sec. 8171)
(5) Assault by a convict in a state prison for a term less than life, upon another convict, warden, guard, etc., with a deadly weapon or instrument, or by force or by administering poison, etc. (Sec. 8051)
(6) Same, by convict in a state prison for life. (Sec. 8052)
(7) Dueling. (Secs. 8055, 8057)
(8) Assault with a caustic chemical with intent to injure the flesh or disfigure the body. (Sec. 8069)
(9) Assault with a deadly weapon with intent to do bodily harm. (Sec. 8070)
(10) Unlawfully and maliciously depriving a human being of a member of his body or disabling or rendering it useless or cutting out or disabling the tongue or putting out an eye or slitting the nose, ear, or lip. (Sec. 8037)
(11) Malicious obstruction of railroad. (Sec. 8383)
(12) All attempts.

Omit

(1) An unlawful attempt coupled with a present ability to commit a violent injury upon the person of another. (Sec. 8065)
(2) Any wilful and unlawful use of force or violence upon the person of another. (Sec. 8067)
(3) Officer guilty of wilful inhumanity or oppression toward any prisoner in his custody. (Sec. 8001)
(4) Officer assaulting or beating any person under color of authority without lawful necessity. (Sec. 8002)
(5) Unnecessarily harsh, cruel or unkind treatment or neglect of duty toward any idiot, lunatic or insane person by any person. (Sec. 8176)
(6) Intimidating employee by threatening to destroy property, etc. (Sec. 8493)
(7) Compelling employee to board at particular house or trade at particular store, by coercion, intimidation, etc. (Sec. 8513)
(8) Death from dueling. [See Felonious Homicide (3).] (Sec. 8056)
(9) Sending or accepting a challenge to duel, seconding, provoking, or posting for refusal to duel; peace officer failing to prevent duel. (Secs. 8058, 8059)

(10) Indecent liberties with a child under 14. (Sec. 8049)
(11) Assault with intent to rape. [See Rape (3).] (Sec. 8047)
(12) Assault with intent to commit other felony. [See Burglary (4).] (Sec. 8048, amended Laws 1923, Ch. 32, p. 44)
(13) Assault with intent to rob. [See Robbery (2).] (Sec. 8044X, Laws 1923, Ch. 30, p. 43)
(14) Administering chloroform, etc., with intent to assist self or another to commit a felony. [See Rape (3), Robbery (2), Burglary (4).] (Sec. 8050)
(15) Assault with intent to commit the infamous crime against nature. (Sec. 8047)

5. BURGLARY—BREAKING OR ENTERING

(1) First degree: in the night time, forcibly breaking and entering, or without force entering an open door, window, or other aperture of any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, or any tent, vessel, watercraft, or railroad car, with intent to commit larceny or any felony by the use of nitro-glycerine, dynamite, gunpowder, or any other explosive. (Comp. Laws 1917, Sec. 8257)
(2) Second degree: same, not by the use of explosives. (Sec. 8259)
(3) Third degree: in the daytime, entering any dwelling house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building or any tent, vessel, watercraft, or railroad car with intent to steal or commit any felony whatever therein. (Sec. 8261)
(4) Assault with intent to commit burglary. (Sec. 8048, amended Laws 1923, Ch. 32, p. 44, Sec. 8050)
(5) All attempts.
(6) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing, making, etc., burglar's tools. (Secs. 8264)

6. LARCENY—THEFT (except auto theft)

(1) The felonious stealing, taking, carrying, leading or driving away the personal property of another. (Sec. 8285)
(2) Grand larceny: larceny of property of value exceeding $50.00. Larceny of property from the person of another. Larceny of a horse, mare, gelding, etc. (Sec. 8289, amended Laws 1923, Ch. 67, p. 138)
(3) Petit larceny: larceny in other cases. (Sec. 8290)
(4) Larceny of goods saved from a fire or building endangered by fire, and kept for 2 days without notice to owner, police, etc. (Sec. 8303)
(5) Gold-dust, amalgam or quicksilver, the property of another, from any mining claim, etc. (Sec. 8286)
(6) Any fixture or part of the realty severed at the time of taking. (Sec. 8296)
(7) Public records. (Sec. 7977)
(8) Gas, electricity, water. (Secs. 8300, 8301, 8302, 8408)
(9) Water from stopcock or faucet, after notification of same being closed; water from canal, reservoir, etc., in violation of rights of another; interfering with or altering the flow of water in any way in any stream, ditch or lateral under control of the water commissioner. (Secs. 8409, 8410, 8514)
(10) Cutting down, carrying away wood or timber from land of another; severing produce or anything attached to the freehold; earth, soil or stone from any lot, street or park. (Sec. 8390)

(11) Certain wood or timber on state public lands. (Secs. 8466, 8467)
(12) Baskets, jars, etc., or other cliff-dwellers' relics from public lands or land of another. (Sec. 8505)
(13) Cutting out, altering or defacing marks on lumber or falsely marking same to prevent owner discovering identity. (Sec. 8447)
(14) Marking, branding or altering or defacing mark or brand on horse, mare, gelding, etc., of another, with intent to steal same or prevent identification by true owner. (Sec. 8448)
(15) Removing any part, attachment or contents of any vehicle, without authority from owner. (Sec. 3974X8, Laws 1921, Ch. 81, p. 215)
(16) Taking or stealing journal bearings or brasses or parts or attachments of any locomotive, car, etc. (Comp. Laws 1917, Sec. 8304)
(17) All attempts.

Omit

(1) Finding and appropriating lost property under circumstances giving knowledge or means of inquiry as to the true owner, without reasonable effort to find owner and restore property. (Sec. 8287)
(2) Unlawfully removing or in any manner interfering with journal bearings or brasses, or parts or attachments of any locomotive, tender or car, or used in operating same. [See (16) above.] (Sec. 8304)
(3) Using any animal, vehicle or other personal property of another, without consent. (Sec. 8390[7])
(4) Embezzling or fraudulently converting any motor vehicle part delivered (for hire) which may be the subject of larceny. (Laws 1927, Ch. 57, p. 89, Sec. 8)
(5) Maliciously injuring or destroying standing crops, fruit or vegetables where no other penalty is prescribed. (Comp. Laws 1917, Sec. 8391)

7. AUTO THEFT

(1) Wilfully depriving the owner of any vehicle *permanently*, by taking possession of, driving or taking away same belonging to another and standing in any street, garage or other building or place. (Sec. 3974X7, Laws 1921, Ch. 81, p. 215)
(2) All attempts.

Omit

(1) Wilfully depriving the owner of any vehicle *temporarily*, by taking possession of, driving or taking away same belonging to another and standing in any street, garage or other building or place. (Sec. 3974X7)
(2) Using any vehicle or machine the property of another without consent. (Comp. Laws 1917, Sec. 8390[7])
(3) Embezzling or fraudulently converting any motor vehicle delivered (for hire) which may be the subject of larceny. (Laws 1927, Ch. 57, p. 89, Sec. 8)
(4) Abandoning or neglecting or refusing to redeliver motor vehicle at termination of period of hire. (Sec. 7)
Note: Omit only cases where original obtaining possession was lawful.

VERMONT

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
The General Laws of Vermont 1917.
Laws of Vermont 1919, 1921, 1923, 1925, 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: murder committed by means of poison or by lying in wait or by wilful, deliberate and premeditated killing, or in perpetrating or attempting to perpetrate arson, rape, robbery or burglary. (Gen'l Laws 1917, Sec. 6798)
(2) First degree: death by duelling within the state. (Sec. 6809)
(3) First degree: death caused by willful and malicious burning of a building. (Sec. 6849)
(4) Second degree: all other kinds of murder. (Sec. 6798)
Note: The common law definition, viz., that murder is the unlawful killing of a human being, with malice aforethought, either express or implied, is the law of this state. State v. Meyer (1886) 58 Vt. 457; State v. Wood (1881) 53 Vt. 560; State v. Tatro (1878) 50 Vt. 483; State v. Averill (1911) 85 Vt. 115.
(5) Death caused by obstructing or injuring railroads with intent to injure person or property. (Sec. 6819)
(6) Manslaughter: penalty clause. (Sec. 6801)
Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, express or implied, either voluntarily, upon sudden heat, or involuntary, but in the commission of some unlawful act, is the law of this state. State v. Averill (1911) 85 Vt. 115; State v. McDonnell (1860) 32 Vt. 491.
(7) Death of any person from careless or negligent operation of a motor vehicle; penalty.
(Laws 1925, No. 70, Sec. 86, amended Laws 1929, No. 69, Sec. 1, p. 80)

Omit

(1) Bearing false testimony willfully with intent to take away the life of a person, resulting in life being taken away. (Gen'l Laws 1917, Sec. 6808)
(2) Where a bastard child is found dead under circumstances showing willful neglect, etc. (Sec. 6804)
(3) Death by dueling without the state by appointment made within, where the death occurs within the state. (Sec. 6810)

2. RAPE

(1) Person over 16 ravishing and carnally knowing a female person of the age of 16 or more, by force and against her will, or unlawfully and carnally knowing a female person under 16, with or without her consent. (Sec. 6822)
(2) Person under 16 unlawfully and carnally knowing a female person under 16 with her consent, or unlawfully and carnally knowing any female person by force and against her will. (Sec. 6823)
(3) Assault with intent to commit rape. (Secs. 6836, 7034)
(4) All attempts.

3. ROBBERY

(1) Assaulting another and feloniously robbing, stealing and taking from his person money or other property, the subject of larceny, being armed with a dangerous weapon, with intent if resisted to kill or maim the person robbed. (Sec. 6832)
(2) Not being armed with a dangerous weapon and by force or assault, or putting in fear, feloniously robbing, stealing or taking from the person of another money or property. (Sec. 6833)
(3) Assault with intent to rob by one armed with a dangerous weapon. (Sec. 6834)
(4) Assault with force and with intent to steal or rob, by one not armed. (Sec. 6835)
(5) Administering anesthetics with intent to rob. (Sec. 7034)
(6) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill, or to maim or disfigure. (Sec. 6825)
(2) Attempting to murder by poisoning, drowning or strangling another person. (Sec. 6807)
(3) Mingling poison with food, drink or medicine with intent to kill or injure another, or willfully poisoning a spring, well or reservoir with like intent. (Sec. 6806)
(4) Assaulting another with a dangerous weapon with intent to kill or murder. (Sec. 6837, amended Laws 1919, No. 196)
(5) Dueling. (Sec. 6813)
(6) Using a slungshot or similar weapon against another person, or blackjack, brass knuckles, etc. (Sec. 6838)
(7) With malicious intent to maim or disfigure cutting out or maiming the tongue, putting out or destroying an eye, cutting or tearing off an ear, cutting or slitting or mutilating the nose or lip, cutting or disabling a limb or member of another. (Sec. 6824)
(8) Maiming or injuring another by the discharge of a firearm pointed without malice. (Sec. 6847)
(9) Injury from obstructing railroads. (Sec. 6820)
(10) All attempts.

Omit

(1) Throwing missiles at train, car or truck with intent to injure or endanger the safety of any person thereon. (Sec. 6821)
(2) Disturbing or breaking the public peace by assaulting, beating or striking another. (Sec. 6997)
(3) Prisoner assaulting guard or officer. (Sec. 7221)
(4) Assaulting or obstructing extradition officer from another state in execution of process. (Sec. 2689)
(5) Teasing, plaguing, annoying or maltreating another of unsound or feeble mind. (Sec. 6830)
(6) Pointing a firearm intentionally towards another without malice or discharging such firearm so pointed without injury to another. (Sec. 6846)
(7) Ill-treatment of a child under 10 by a person over 16, etc. (Sec. 6828)
(8) Death by dueling. [See Felonious Homicide (2), Felonious Homicide **Omit** (3).] (Secs. 6809, 6810)
(9) Injury caused by dueling without the state by appointment made within; seconding a duel, etc., challenging, etc., to duel; accepting, carrying, seconding, etc., a duel. (Secs. 6810, 6811, 6813, 6814)
(10) Assault with intent to rape. [See Rape (3).] (Sec. 6836)
(11) Assault with intent to rob. [See Robbery (3) (4).] (Secs. 6834, 6835)

(12) Administering anesthetics with intent to commit a crime. [See Rape (3), Robbery (5), Burglary (4).] (Sec. 7034)
(13) Attempt to murder by means not constituting an assault with intent to murder. (Sec. 6807)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering in the nighttime a dwelling, church, court-house, town-house, college, academy, schoolhouse, bank, warehouse, office, shop, store, steamboat, railroad car, etc., with intent to commit murder, rape, robbery, larceny, or other felony. (Sec. 6858, amended Laws 1921, No. 211, p. 218)
(2) Same, in the daytime. (Sec. 6859)
(3) Same, in the nighttime, such place being occupied by a person as a sleeping apartment. (Sec. 6860)
(4) Administering anesthetics with intent to commit burglary. (Sec. 7034)
(5) All attempts, including assault with intent to commit burglary.
(6) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing, etc., burglars' tools. (Sec. 6861)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the felonious taking of the property of another without his consent and against his will, with intent to convert the same to the use of the taker, is the law of this state. State v. Smith (1803) 2 Tyler 272; State v. Humphrey (1860) 32 Vt. 569; State v. Morrill (1896) 68 Vt. 60.
(2) Grand larceny: stealing from the actual or constructive possession of another, other than from his person, money, goods, bank notes, etc., deed, contract, or writ, process or public record, exceeding $25.00 in value. (Sec. 6862)
(3) Petit larceny: same, of value not exceeding $25.00. (Sec. 6863)
(4) Stealing from the person of another. (Sec. 6864)
(5) Clothing, cloth, yarn or wool, exposed for drying or bleaching, or clothing, robes, etc., used for travel in a vessel, car or vehicle—regardless of value. (Sec. 6866)
(6) A horse. (Sec. 6868)
(7) Anything which is part of the realty or annexed thereto, the property of another, taken by a trespass with intent to steal. (Sec. 6869)
(8) Cutting out or defacing mark on logs; cutting out, etc., or altering marks on logs in river or other place. (Secs. 6956, 6957)
(9) Cutting down, carrying away, etc., trees or timber growing or standing on land of another, fruit, trees, vegetables, etc., from orchard, garden or nursery; entering with intent to steal; timber, trees, or any property on fair grounds. (Secs. 6956, 6961, 6962, 6963)
(10) Removing book, art work, etc., from free public library without consent. (Sec. 6979)
(11) Gas, electricity, water. (Secs. 6972, 6973 amended Laws 1927, No. 129, 6974)
(12) Attached personal property in custody of an officer of the law. (Laws 1929, No. 42, p. 60)
(13) All attempts.

Omit

(1) Taking or removing waste or packing from journal boxes or railroad cars, engines, etc. (Gen'l Laws 1917, Sec. 6945)

(2) Carrying away, injuring, etc., any cloth in process of manufacture, grain, fence, rails, etc., sleigh or wheeled vehicle, or other larcenable chattels. (Sec. 6982)
(3) Embezzlement as larceny. (Secs. 6872 to 6878)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Taking, using, operating or removing a motor vehicle without consent of owner for own profit, pleasure, use or purpose. (Laws 1925, No. 70, Sec. 90)
Note: Omit only cases where no intent to steal appears.

VIRGINIA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
The Code of Virginia, 1924. Annotated.
Supplement, 1926.
Acts, Extra Session 1927, 1928.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: murder by poison, lying in wait, imprisonment, starving, or by any wilful, deliberate and premeditated killing; or in the commission of or attempt to commit arson, rape, robbery or burglary. (Code 1924, Sec. 4393)

(2) Second degree: all other murder. (Sec. 4393)

Note: The common law definition, viz., that murder is the unlawful killing of any person with malice aforethought, express or implied, is the law of this state. M'Whirt's Case (1846) 3 Gratt. 594; Harrison v. Com. (1884) 79 Va. 374; Williams v. Com. (1920) 128 Va. 698.

(3) Death from malicious shooting or throwing at any train, car, vessel or motor vehicle. [See (8) below.] (Supp. 1926, Sec. 4473)

(4) Death from malicious injury to, destruction or removal of railroad signals. [See (9) below.] (Code 1924, Sec. 4474)

(5) Killing any person engaged in dispersing a riotous assembly (by rioters or otherwise). (Sec. 4531)

(6) Death of small-pox victim wilfully abandoned upon the shore of the State. (Sec. 4399)

(7) Voluntary manslaughter, involuntary manslaughter: penalties. (Secs. 4396, 4397)

Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, express or implied, either voluntarily, upon a sudden heat, or involuntarily, in the commission of some unlawful act or in the improper performance of a lawful act, is the law of this state. M'Whirt's Case (1846) 3 Gratt. 594; Mundy v. Com. (1926) 144 Va. 609.

(8) Death from shooting or throwing at any train, car, vessel or motor vehicle unlawfully but not maliciously. [See (3) above.] (Supp. 1926, Sec. 4473)

(9) Death from unlawful but not malicious injury to, destruction or removal of railroad signals. [See (4) above.] (Code 1924, Sec. 4474)

(10) Death from manufacture or sale of liquor containing poisonous substance. (Sec. 4675 [23])

Omit

(1) Death by duel fought without the state by previous engagement within. (Sec. 4416)

2. RAPE

(1) Carnally knowing a female of 16 or more against her will, by force; or carnally knowing a female child under that age or a female inmate of any hospital for the insane, who has been adjudged a lunatic, or a female inmate of an institute for the

feeble-minded; where such female child is between 14 and 16 and not an inmate of such institutions, and consents. (Sec. 4414)

(2) Shooting, stabbing, cutting or wounding with intent to commit rape. (Sec. 4403)

(3) All attempts, including assaults with intent to commit rape.

Omit

(1) Carnally knowing any female who is an inmate or pupil of an institution for deaf, dumb, blind or epileptic persons. (Sec. 4414)

3. ROBBERY

(1) Not defined by statute. The common law definition, viz., that robbery is the taking with intent to steal the personal property of another, from his person or in his presence, against his will, by violence or intimidation, is the law of this state. Butts v. Com. (1926) 145 Va. 800; Green v. Com. (1922) 133 Va. 695; Houston v. Com. (1890) 87 Va. 257; Jordan v. Com. (1874) 25 Gratt. 943.

(2) Committing robbery by partial strangulation or suffocation, striking or beating, or other violence to the person, or by threat or presentment of firearms or other deadly weapon. (Sec. 4405, amended Acts 1928, Ch. 156, p. 566)

(3) Committing robbery in any other mode or by any other means. (Sec. 4405)

(4) Entering any banking house armed with a deadly weapon with intent to commit larceny of money bonds, etc. [See Burglary (4).] (Sec. 4439)

Note: Include here cases of taking by robbery.

(5) Shooting, cutting, stabbing or wounding with intent to commit robbery. (Sec. 4403)

(6) All attempts, including assaults with intent to commit robbery.

4. AGGRAVATED ASSAULT

(1) Assault by poisoning food, drink, well, etc., with intent to kill or injure any other. (Sec. 4400)

(2) Dueling. (Sec. 4419)

(3) Maliciously stabbing, shooting, cutting or wounding another or by other means causing him bodily injury with intent to maim, disfigure, disable or kill. (Sec. 4402)

(4) Obstructing railroads, etc. (Secs. 4468, 4474)

(5) All attempts.

Omit

(1) Attempt to produce abortion by drug or any means with intent to destroy unborn child. (Sec. 4401)

(2) Taking or removing waste or packing from journal boxes, etc. (Sec. 4472)

(3) Shooting at or throwing stones or other missiles at any train, car, vessel or water craft, or motor vehicle carrying passengers, periling life; if resulting in death. [See Felonious Homicide (3), (8).] (Supp. 1926, Sec. 4473)

(4) Shooting, cutting, stabbing or wounding while in commission of or attempt to commit a felony. [See Rape (2), Robbery (5), Burglary (5).] (Code 1924, Sec. 4403)

(5) Death from injuring, destroying, etc., switchlamp, flaglamp, etc. [See Felonious Homicide (4), (9).] (Sec. 4474)

(6) Injury to a judge, justice, helper, etc., during the course a riot. (Sec. 4531)

(7) Sending or accepting a challenge to duel; posting for refusal to duel, etc.; leaving state to avoid the dueling law. (Secs. 4419, 4420, 4423, 4421)
(8) Death by duel without the State. [See Felonious Homicide **Omit** (1).] (Sec. 4416)
(9) Shooting at another in any street in a city or in any public resort. (Sec. 4404)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering the dwelling house of another in the night time with intent to commit a felony or larceny therein. (Sec. 4437)
(2) Entering in the night without breaking, or in the day time breaking and entering a dwelling house or outhouse adjoining thereto and occupied therewith, or entering in the night time without breaking or breaking and entering in the day time or night time any office, shop, storehouse, warehouse, or banking house, or other house or vessel or railroad car with intent to commit murder, rape or robbery. (Sec. 4438)
(3) Same, with intent to commit larceny or any felony other than murder, rape or robbery. (Sec. 4439, amended Acts 1928, Ch. 163, p. 594)
(4) Entering any banking house day or night armed with a deadly weapon, with intent to commit larceny of money, bonds, etc. [See Robbery (4).] (Sec. 4439)
(5) Shooting, cutting, stabbing or wounding with intent to commit burglary. (Sec. 4403)
(6) All attempts, including assaults with intent to commit burglary.
(7) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing burglars' tools. (Sec. 4437)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the taking and carrying away of the personal goods of another, against his will and without his consent, and with a felonious intent to deprive the owner thereof permanently, is the law of this state. Richards v. Com. (1856) 13 Gratt. 803; Jordan v. Com. (1874) 25 Gratt. 943; Vaughan v. Lytton (1920) 126 Va. 671; Satterfield v. Com. (1906) 105 Va. 867.
(2) Grand larceny: stealing from the person of another money or other thing of value of $5 or over. Simple larceny of goods and chattels of another but not from the person, of value of $50 or over. Larceny of a horse, mule, ass, cow, etc. (Sec. 4440)
(3) Petit larceny: stealing from the person of another of anything of value under $5. Simple larceny of goods and chattels but not from the person, of value under $50. (Sec. 4440)
(4) Bank notes, checks, etc. (Sec. 4442)
(5) Things savoring of the realty, the substance or produce thereof or affixed thereto, severed at the time of taking. (Sec. 4444)
(6) Sand or gravel from any part of the fast lands or breach or bluff abutting on rivers etc., or from the bed of same between high and low water marks. (Sec. 4441a)
(7) Electricity, gas. (Sec. 4478)
(8) Public records. (Sec. 4518)
(9) Dogs. (Secs. 4445, 2324)

(10) Oysters. (Sec. 3237; Supp. 1926, Sec. 3233)
(11) Unlawfully carrying away furniture from public buildings or property of a public library, museum, or other educational institution. (Code 1924, Sec. 4482)
Note: Include here only cases where intent to steal appears.
(12) Cutting down trees in grounds of the capitol or any public square or grounds; or digging up, cutting, etc., trees, turf, etc., upon lands of another or public lands. (Sec. 4483; Supp., 1926, Sec. 4482a)
(13) Fraudulent claim of ownership of branded timber, taking and carrying same away without authority or wilfully defacing marks on same; fraudulent branding timber of another. (Code 1924, Secs. 1447, 1451, 1452, 1453)
(14) All attempts.

Omit

(1) Obtaining money or other property or credit by check which is not paid. (Sec. 4445a)
(2) Fraudulently removing, etc., goods distrained or levied on. (Sec. 4447, amended Acts, 1928, Ch. 31, p. 26)
(3) Buying or receiving stolen property. (Sec. 4448)
(4) Embezzlement as larceny. (Secs. 4451 to 4454a; 4456, 6273; Supp. 1926, Sec. 4455)
(5) Obtaining money or other property by false pretense or token. (Code 1924, Sec. 4459)
(6) Wilfully and maliciously removing waste or packing from journal box of railroad locomotive, car, etc. (Sec. 4472)
(7) Possessing, selling or converting branded timber of another. (Secs. 1447, 1453)
(8) Using same branding-iron as another. (Sec. 1451)
(9) Taking or possessing and failing to report unbranded marketable timber. (Sec. 1454)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Driving motor vehicle of another without consent of owner, with intent to temporarily deprive him of possession and without intent to steal. (Supp. 1926, Sec. 2154 [39] i i)
(2) Taking and operating an automobile or motor vehicle without consent of owner for own private use or purpose. (Code 1924, Sec. 4480)
Note: Omit only cases where no intent to steal appears.

WASHINGTON

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Remington's Compiled Statutes of Washington, 1922, Annotated.
Remington's 1927 Supplement to Compiled Statutes of Washington, Annotated.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: the killing of a human being, not excusable or justifiable, committed with a premeditated design to effect the death of the person killed or of another; or by an act imminently dangerous to others and evincing a depraved mind, regardless of human life, without premeditated design to effect the death of any individual; or without design to effect death, by a person engaged in the commission of or attempt to commit or in withdrawing from the scene of a robbery, rape, burglary, larceny or arson in the first degree; or by maliciously interfering or tampering with or obstructing any railroad or appliance, motor, engine or car. (Rem. Comp. Stat. 1922, Vol. I, Sec. 2392)

(2) Second degree: murder, not excusable or justifiable, committed with a design to effect the death of the person killed or of another, but without premeditation; or perpetrated by a person engaged in the commission of or attempt to commit or in withdrawing from the scene of a felony other than those enumerated in section 2392. (Sec. 2393)

(3) Second degree: killing in a duel within the state. (Sec. 2394)

(4) Manslaughter: homicide other than murder, and not excusable or justifiable. (Sec. 2395)

(5) Death of woman by administering drug, etc., with intent to procure her miscarriage, unless necessary to preserve her life. (Sec. 2397)

(6) Killing by vicious or dangerous animal, wilfully or negligently allowed to go at large by owner or custodian. (Sec. 2399)

(7) Killing by wilfully or negligently overloading vessel run for gain. (Sec. 2400)

(8) Killing by ignorant, reckless or negligent operation of steamboat, or boiler or engine. (Sec. 2401)

(9) Death caused by physician or other person administering drug, etc., while intoxicated or under influence of any narcotic drug, although without design to effect death. (Sec. 2402)

(10) Death caused by any person making or keeping explosives unlawfully. (Sec. 2403)

Omit

(1) Killing in a duel out of the state, by previous appointment made in the state. (Sec. 2394)

(2) Wilful killing of unborn quick child, by any injury committed upon the mother. (Sec. 2396)

(3) Death of any quick child, by administering drug, etc., to the mother with intent to procure her miscarriage, unless necessary to preserve her life. (Sec. 2397)

(4) Death of any quick child caused by mother taking or submitting to use of any drug, etc., with intent to pro-

cure her own miscarriage, unless necessary to preserve her life or that of the child. (Sec. 2398)
(5) Assisting another in commission of suicide. (Sec. 2387)

2. RAPE

(1) Sexual intercourse with a female not the wife of the perpetrator, committed against her will and without her consent; or with a female of 10 years or upwards, not his wife, when through idiocy, imbecility or any unsoundness of mind, either temporary or permanent, she is incapable of giving consent; or when her resistance is forcibly overcome, or is prevented by fear of immediate and great bodily harm which she has reasonable cause to believe will be inflicted upon her, or is prevented by stupor or weakness of mind produced by an intoxicating narcotic or anesthetic agent administered by or with the privity of the defendant; or when she is at the time unconscious of the nature of the act and this is known to the defendant. (Sec. 2435)
(2) Male person carnally knowing and abusing any female child under 18, not his wife; when such child is under 10; is 10 and under 15; is 15 and under 18. (Sec. 2436)
(3) Assault or maiming with intent to rape. (Secs. 2413, 2414, 2407)
(4) All attempts.

Omit

(1) Female person having sexual intercourse with any male child under 18, not her husband. (Sec. 2436)
(2) Taking indecent liberties. (Sec. 2442)

3. ROBBERY

(1) The unlawful taking of personal property from the person of another, or in his presence, against his will, by means of force or violence or fear of injury, immediate or future, to his person or property or those of a member of his family or of anyone in his company at the time. (Sec. 2418)
(2) With intent to commit any robbery or larceny, boarding or stopping any train, motor, car or engine, or interfering with lights or signals. [See Burglary (3).] (Sec. 2651)
(3) Assault or maiming with intent to rob. (Secs. 2413, 2414, 2407)
(4) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill or by means of a deadly weapon or means likely to produce death or by poison. (Sec. 2413)
(2) Assault by poison or by inflicting grievous bodily harm with or without a weapon. (Sec. 2414)
(3) Dueling. (Sec. 2419)
(4) With intent to injure, disfigure or disable another, wilfully inflicting upon him an injury which seriously disfigures his person by any mutilation thereof or destroys or displaces any member or organ of his body or seriously diminishes his physical vigor by the injury of any member or organ. (Sec. 2407)
(5) All attempts.,

Omit

(1) Assault or assault and battery. (Sec. 2415)
(2) Provoking assault. (Sec. 2417)

(3) Taking indecent liberties with a female under 18. (Sec. 2442)
(4) Challenging to duel; attempting to induce a duel; leaving the state to evade the dueling law, etc. (Secs. 2420, 2421, 2422)
(5) Killing in a duel. [See Felonious Homicide (3), Felonious Homicide **Omit** (1).] (Sec. 2394)
(6) Assault with intent to commit a felony; or by administering chloroform, etc., with such intent. [See Rape (3), Robbery (3), Burglary (4).] (Secs. 2413, 2414)
(7) Assault with a whip, while armed; or with intent to resist legal process; or by shooting while hunting. (Sec. 2414)
(8) Maiming with intent to commit a felony. [See Rape (3), Robbery (3), Burglary (4).] (Sec. 2407)

5. BURGLARY—BREAKING OR ENTERING

(1) First degree: entering in the night time, with intent to commit some crime therein, the dwelling house of another in which there shall be at the time a human being, and being armed with a dangerous weapon, or arming himself therein, or being assisted by a confederate actually present, or, while engaged in effecting such entrance or in committing any crime in such building or in escaping therefrom, assaulting any person; or breaking and entering, with intent to commit some crime therein, any bank, postoffice, railway express or mail car. (Sec. 2578)
(2) Second degree: entering, with intent to commit some crime therein, under circumstances not amounting to burglary in the first degree, the dwelling house of another; or breaking and entering, or having committed a crime therein, breaking out of any building or part, or a room or structure wherein any property is kept for use, sale or deposit. (Sec. 2579)
(3) With intent to commit any burglary, boarding or stopping any train, motor, car or engine, or interfering with lights or signals. [See Robbery (2).] (Sec. 2651)
(4) Assault or maiming with intent to commit burglary. (Secs. 2413, 2414, 2407)
(5) All attempts.
(6) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Making, possessing, etc., burglars' tools. (Sec. 2582)

6. LARCENY—THEFT (except auto theft)

(1) With intent to deprive and defraud the owner, taking, leading or driving away the property of another; or obtaining *possession* of property by aid of any unauthorized order, false representation, personation or pretense, token or writing, or any trick, device, etc.; or secreting, withholding or appropriating property received by reason of a mistake, with knowledge of such mistake. [See **Omit** (1).] (Sec. 2601)
(2) Grand larceny: stealing:
Property of any value taken from the person of another or from the body of a corpse.
Property of any value taken from a building that is on fire or after its removal in consequence of an alarm of fire.
Public record or writing.
Any horse, mare, gelding, etc., from any range or pasture.
Property of value of more than $25.00 in any manner whatsoever. (Sec. 2605)

Note: Do not include here property obtained by false pretenses, etc., or held in possession and fraudulently appropriated. [See **Omit** (1).]

(3) Petit larceny: every other larceny than grand. (Sec. 2605)
(4) Railway tickets. (Sec. 2607)
(5) Gas, electricity, steam. (Sec. 2657)
(6) Cutting down, etc., wood, grass, shrub, tree, etc., on lands of another; taking earth, soil or stone from land in city or town; entering orchard, etc., with intent to steal. (Secs. 2659 [1], 2659 [3], 2659 [4], 2659 [5])
(7) Oysters or shell-fish of another in any water of the state. (Sec. 2659 [9])
(8) Removing or altering lawful brands on timber or animals. (Sec. 2954)
(9) Opening grave or building with intent to sell or remove coffin or any article attached or interred. (Sec. 2491)
(10) All attempts.

Omit

(1) With intent to deprive and defraud the owner, obtaining *title* to property by aid of any unauthorized order, false representation, personation or pretense, token or writing, or any trick, device, etc.; or secreting, withholding or appropriating property held in possession as bailee, trustee, etc., or finder; or bringing into the state, receiving, etc., stolen property. [See Larceny (1).] (Sec. 2601)
Same, of property of value of more than $25—grand larceny. (Sec. 2605)
(2) Issuing checks without sufficient funds. (Sec. 2601-2)
(3) Leading, riding or driving away without authority the horse, team or vehicle of another from the place where it was left. (Sec. 2659 [8])
Note: Omit only cases where no intent to steal appears.

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Taking or driving away without permission of the owner or person entitled to possession any automobile or motor vehicle. (Rem. Comp. Stats. Sec. 2601-1)
Note: Omit only cases where no intent to steal appears.
(2) Driving away without authority the automobile or other vehicle of another from the place where it was left. (Sec. 2659 [8])

WEST VIRGINIA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Barnes' West Virginia Code Annotated, 1923.
Supplement, 1923.
Acts, 1925, 1927.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: murder by poison, lying in wait, imprisonment, starving, or any wilful, deliberate and premeditated killing; or in the commission of or attempt to commit arson, rape, robbery or burglary. (Barnes' Code 1923, Ch. 144, Sec. 1)
(2) First degree: death as result of conspiracy of two or more to inflict punishment or bodily injury upon another. (Ch. 148, Secs. 10, 13)
(3) Second degree: all other kinds of murder. (Ch. 144, Sec. 1)
Note: The common law definition, viz., that murder is the unlawful killing of any person with malice aforethought, express or implied, is the law of this state. M'Whirt's Case (1846) 3 Gratt. 594; State v. Hobbs (1893) 37 W. Va. 812; State v. Beatty (1902) 51 W. Va. 232.
(4) Death resulting from arson. (Ch. 145, Sec. 1)
(5) Death from wilful and unlawful injury to railroad property. (Sec. 31)
(6) The putting to death of any person within the state by a mob or riotous assemblage. (Ch. 148, Sec. 17 [3])
(7) Killing of anyone engaged in dispersing a riot, by the rioters or otherwise. (Sec. 5)
(8) Death by dueling in this state. (Ch. 144, Sec. 19)
(9) Voluntary and involuntary manslaughter: penalty. (Secs. 4, 5)
Note: Manslaughter is not defined by statute. The common law definition, viz., that manslaughter is the unlawful killing of another without malice, express or implied, either voluntarily, in the heat of passion, or involuntarily, in the commission of an unlawful act, not amounting to a felony, or of a lawful act in a negligent manner, is the law of this state. M'Whirt's Case (1846) 3 Gratt. 594; State v. Clifford (1906) 59 W. Va. 1; State v. Weisengoff (1919) 85 W. Va. 271.

Omit

(1) Death by dueling without the state, by previous agreement within. (Sec. 19)
(2) Destroying unborn child by administering drug, etc., to the mother, with intent to procure abortion, except where done in good faith with intent to save life of the child or mother. (Sec. 8)

2. RAPE

(1) Male person carnally knowing a female, not his wife, against her will by force; or male person over 16 carnally knowing a female, not his wife, under that age. Section not applicable to male person under 16 who carnally knows a female over 12 with her free consent. (Sec. 15)
(2) Assault with intent to rape. (Sec. 10)
(3) All attempts.

3. ROBBERY

(1) Not defined by statute. The common law definition, viz., that robbery is the felonious taking from the person of another of goods or money to any value, by violence or putting in fear, is the law of this state. State v. McCoy (1907) 63 W. Va. 69; State v. McAllister (1909) 65 W. Va. 97; Franklin v. Brown (1914) 73 W. Va. 727.
(2) Committing robbery, being armed with a dangerous weapon. (Sec. 12)
(3) Assault with intent to rob. (Sec. 10)
(4) All attempts.

Omit

(1) Extortion by threats of injury to character, person or property. (Sec. 13)

4. AGGRAVATED ASSAULT

(1) Shooting, stabbing, etc., with intent to kill, maim, etc. (Sec. 9)
(2) Attempting to kill by poison. (Sec. 7)
(3) Dueling. (Sec. 22)
(4) Wilful injury to railroad property resulting in injury to a person. (Ch. 145, Sec. 31)
(5) All attempts.

Omit

(1) Challenging to duel; accepting, carrying a challenge or advising, encouraging or promoting a duel; leaving state to evade the dueling law; posting another for not fighting a duel. (Ch. 144, Secs. 22, 23, 24, 26)
(2) Death by dueling. [See Felonious Homicide (8), Felonious Homicide **Omit** (1).] (Sec. 19)
(3) Injury to a passenger by a person in charge of a public conveyance. (Sec. 17)
(4) Unlawful shooting in streets. (Sec. 11)
(5) Abortion by drug or instrument. (Sec. 8)
(6) Infliction of injury by conspiracy. (Sec. 10)
(7) Shooting or throwing missile into passenger car. (Sec. 31)
(8) Death resulting from lynching. [See Felonious Homicide (6).] (Ch. 148, Sec. 17 [3])
(9) Assault with intent to commit a felony. [See Rape (2), Robbery (3), Burglary (5).] (Ch. 144, Sec. 10)

5. BURGLARY—BREAKING OR ENTERING

(1) Penalty clause. (Ch. 145, Sec. 11)
Note: Burglary is not defined by statute. The common law definition, viz., that burglary is the breaking and entering the house of another in the night-time, with intent to commit a felony therein, whether the felony be actually committed or not, is the law of this state. Clarke v. Com. (1874) 25 Grat. 908; State v. Caddle (1891) 35 W. Va. 73.
(2) Breaking and entering the dwelling house of another in the night time with intent to commit larceny, though the thing stolen or intended to be stolen be of less value than $20; or entering in the night time without breaking or in the day time breaking and entering a dwelling house or outhouse adjoining thereto or occupied therewith, of another, with intent to commit a felony, or to commit larceny, though of thing of less

value than $20; or entering without breaking in the day time a dwelling house or outhouse adjoining thereto or occupied therewith, of another, with intent to commit any felony other than larceny; same, with intent to commit larceny. (Sec. 11)

(3) Breaking and entering at any time, or entering without breaking, any office, shop, storehouse, warehouse, banking house, or any house or building other than a dwelling house or outhouse adjoining or occupied therewith, or any railroad car or boat or vessel, with intent to commit murder, rape or robbery. (Sec. 12)

(4) Same with intent to commit larceny or any felony, other than murder, rape or robbery. (Sec. 13)

(5) Assault with intent to commit burglary. (Ch. 144, Sec. 10)

(6) All attempts.

(7) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

6. **LARCENY—THEFT** (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the felonious taking and carrying away of the personal goods of another, with the intent, without any claim of right, to deprive the owner of them permanently, by appropriating them to the taker's own use, is the law of this state. State v. Chambers (1883) 22 W. Va. 779; State v. Caddle (1891) 35 W. Va. 73; State v. Edwards (1902) 51 W. Va. 220.

(2) Grand larceny: simple larceny of goods or chattels of value of $20 or more. (Ch. 145, Sec. 14)

(3) Petit larceny: same, of goods or chattels of less value. (Sec. 14)

(4) Bank notes, checks, book of accounts or other writing or paper of value. (Sec. 15)

(5) Things savoring of the realty and part of the freehold, whether of the substance or produce thereof or affixed thereto, when taken. (Sec. 17)

(6) Skiff, boat or timber, whether afloat or not. (Sec. 29)

(7) Gas, water or electric energy. (Supp. 1923, Ch. 145, Sec. 37)

(8) Dogs as personal property. (Acts 1925, Ch. 83, Sec. I, p. 286)

(9) Taking and carrying away or converting branded timber of another; falsely branding timber the property of another. (Barnes' Code 1923, Ch. 62E, Secs. 13, 16)

(10) Taking and removing with intent to steal any automobile or other motor vehicle part or attachment. (Ch. 43, Sec. 92)

(11) Entering garden, etc., of another without consent and taking, carrying away, etc., grain, fruit, grass or vegetables growing or being thereon; digging ginseng or other medical roots without consent on land of another. (Ch. 145, Secs. 28a, 28b)

(12) All attempts.

Omit

(1) Buying or receiving stolen goods. (Secs. 18, 29)

(2) Embezzlement or fraudulent conversion as larceny. (Ch. 145, Secs. 19, 20, 22; Ch. 41, Sec. 54; Ch. 105, Sec. 13)

(3) Obtaining property by false pretenses. (Ch. 145, Sec. 23)

(4) Unlawfully buying, selling, etc., branded timber of another, or with trade mark unlawfully defaced or destroyed. (Ch. 62E, Sec. 13)

(5) Unauthorized use: Taking and removing part or attachment from automobile or other motor vehicle without

consent, with intent to deprive owner of use thereof temporarily. [See (10) above.] (Ch. 43, Sec. 92)
(6) Fraudulent handling of estrays. (Ch. 61, Sec. 9)
(7) Giving worthless check. (Ch. 145, Sec. 34)

7. AUTO THEFT

(1) Taking possession of, entering and driving or otherwise taking away from any place or building any automobile or other motor vehicle of another without consent, and with intent to deprive him of the possession or use thereof *permanently*. (Ch. 43, Sec. 90)

(2) All attempts.

Omit

(1) Taking possession of, entering and driving or otherwise taking away from any place or building any automobile or other motor vehicle of another without consent, and with intent to deprive him of the possession or use thereof *temporarily*. (Sec. 90)
(2) Taking, using or operating the motor vehicle of another, without consent, from any place or building, without intent to steal. (Ch. 145, Sec. 27)

WISCONSIN

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Wisconsin Statutes, 1927 (9th edition).
Laws, Special Sessions 1928.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: killing of a human being unlawfully when perpetrated from a premeditated design to effect the death of the person killed or of any human being. (Stats. 1927, Secs. 340.01, 340.02)

(2) Second degree: killing of a human being when perpetrated by an act imminently dangerous to others and evincing a depraved mind, regardless of human life without any premeditated design to effect the death of the person killed or of any human being. (Sec. 340.03)

(3) Second degree: killing in a duel. (Sec. 340.04)

(4) Second degree: death caused by wilful and malicious obstruction of a railroad. (Sec. 340.06)

(5) Second degree: wilful and malicious burning of a dwelling in the night resulting in the death of any person. (Sec. 340.07)

(6) Third degree: the killing of a human being without any design to effect death by a person engaged in the commission of any felony. (Sec. 340.09)

(7) Manslaughter: First degree: the killing of a human being without a design to effect death, by the act, procurement or culpable negligence of any other, while such other is engaged in the perpetration of any crime or misdemeanor not amounting to felony, or in an attempt to perpetrate any such crime or misdemeanor, in cases where such killing would be murder at common law. (Sec. 340.10)

Note: The statute requires that the homicide be done with some degree of deliberation and intelligence and with the intention of mischief or great bodily harm, as would have constituted the implied malice which made such killing common law murder. Rowan v. State (1872) 30 Wis. 129; Maxon v. State (1922) 177 Wis. 379.

(8) Second degree: the killing of a human being, without design to effect death, in a heat of passion, but in a cruel and unusual manner. (Sec. 340.14)

(9) Second degree: killing another unnecessarily either while resisting an attempt by such other to commit any felony or to do any other unlawful act, or after such an attempt shall have failed. (Sec. 340.15)

(10) Second degree: death of a woman from abortion. (Sec. 340.16)

(11) Third degree: the killing of a human being, in the heat of passion without a design to effect death, by a dangerous weapon. (Sec. 340.18)

(12) Third degree: the involuntary killing of a human being by the act, procurement or culpable negligence of another, while such other person is engaged in the commission of a trespass or other injury to private rights or property or engaged in an attempt to commit such injury. (Sec. 340.19)

(13) Third degree: the killing of a human being by a mischievous animal the owner of which, knowing its propensities, suffers it to run at large. (Sec. 340.20)
(14) Third degree: wilfully or negligently overloading any boat or vessel operated for gain causing it to sink or overset, thereby resulting in the killing of any human being by drowning or otherwise. (Sec. 340.21)
(15) Third degree: killing any human being as the result of ignorance or gross neglect on the part of any person having charge of a steamboat or railroad train for the conveyance of passengers. (Sec. 340.22)
(16) Third degree: death resulting from the administering of poison, drug or medicine by an intoxicated physician, though without any design to effect death. (Sec. 340.23)
(17) Third degree: setting a spring gun to kill game or for any other purpose, where death results. (Sec. 340.66)
(18) Fourth degree: the involuntary killing of another by any weapon or by any means, neither cruel nor unusual, in the heat of passion. (Sec. 340.25)
(19) Fourth degree: every other killing of a human being by the act, procurement or culpable negligence of another. (Sec. 340.26)

Omit

(1) Wilful killing of an unborn quick child by an injury to its mother. (Sec. 340.11)
(2) Death of an unborn child from the administering drugs to its mother. (Sec. 340.16)
(3) Deliberately assisting another in the commission of self murder. (Sec. 340.12)

2. RAPE

(1) Ravishing and carnally knowing any female of sixteen years or more, by force and against her will. (Sec. 340.46)
(2) Unlawful carnal knowledge and abuse of any female under the age of 18 by any person over 18; by any person 18 or under. (Sec. 340.47)
(3) Assault with intent to commit rape. (Secs. 340.48, 340.50, 340.51)
(4) All attempts.

3. ROBBERY

(1) By force and violence or by assault and putting in fear, feloniously robbing, stealing and taking from the person of another any money or other property which may be the subject of larceny, such robber not being armed with a dangerous weapon. (Sec. 340.43)
(2) Assaulting another and feloniously robbing, stealing or taking from his person any money or other property which may be the subject of larceny, such robber being armed with a dangerous weapon. (Sec. 340.39)
(3) Not being armed with a dangerous weapon, assaulting another with force and violence with intent to rob or steal. (Secs. 340.44, 340.50)
(4) Assault with intent to rob, being armed. (Sec. 340.40)
(5) Through intimidation force or use of a dangerous weapon or if any confederate be present aiding or abetting by such means, feloniously robbing, stealing, taking or carrying away any money or other property that may be the subject of larceny from any bank or trust company building. (Sec. 343.122)
(6) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder, being armed with a dangerous weapon. (Sec. 340.40)
(2) Assault with intent to commit murder or mayhem, not being armed. (Sec. 340.36)
(3) Attempted murder by poison, drowning or strangulation. (Sec. 340.37)
(4) Poisoning food, drink, medicine with intent to kill. (Sec. 340.49)
(5) Assault with intent to do great bodily harm. (Sec. 340.41)
(6) Assaulting another in a manner evincing a depraved mind, etc. (Sec. 340.38)
(7) With malicious intent, maiming or disfiguring, cutting the tongue, destroying eye, cutting, slitting or mutilating the ear, nose, or mouth or cutting or disabling the limb or member. (Sec. 340.35)
(8) Assault with intent to commit mayhem. (Sec. 340.51)
(9) Wilful, malicious and wanton obstruction of railroads. (Sec. 340.53)
(10) Dueling. (Sec. 340.32)
(11) All attempts.

Omit

(1) Setting a spring gun of any kind to kill game or for any other purpose. (Sec. 340.66)
(2) Same, resulting in death to any person. [See Felonious Homicide (17).] (Sec. 340.66)
(3) Manufacture, etc., of explosives, etc. (Sec. 340.73)
(4) Wilful neglect of railroad engineer or employee. (Secs. 340.63, 340.64)
(5) Torturing, tormenting or cruelly maltreating child under 16. (Sec. 351.32)
(6) Discharging a weapon or hurling a missile at a railroad car, employee, etc. (Sec. 340.42)
(7) Pointing a weapon at another except in self defense. (Sec. 340.60)
(8) Discharging firearms near parks, etc. (Sec. 340.61)
(9) Discharging explosives in state park. (Sec. 340.62)
(10) Unlawfully and maliciously obstructing channel of any canal or stream. (Sec. 340.77)
(11) Assault and battery. (Sec. 340.57)
(12) Assault with intent to rape. [See Rape (3).] (Secs. 340.48, 340.51)
(13) Assault with intent to rob. [See Robbery (3), (4).] (Secs. 340.44, 340.40)
(14) Assault with intent to commit burglary. [See Burglary (9).] (Sec. 340.51)
(15) Administering chloroform or any drug, narcotic or anaesthetic agent with intent to assist oneself or another to commit any felony. [See Rape (3), Robbery (3), Burglary (9).] (Sec. 340.50)
(16) Challenging, etc., to duel; accepting, delivering, etc., challenge to duel; posting for refusal to duel. (Secs. 340.32, 340.33, 340.34)
(17) Killing in a duel. [See Felonious Homicide (3).] (Sec. 340.04)
(18) Attempt to murder by any means not constituting assault. (Sec. 340.37)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering any dwelling house in the night time with intent to commit the crime of murder, rape, robbery, larceny or other felony, or after having entered with such intent breaking any such dwelling house in the night time, any person being then lawfully within, and the offender being armed with a dangerous weapon or arming himself within, or making an actual assault on any person lawfully therein. (Sec. 343.09)

(2) Breaking and entering any dwelling house in the night time with such intent as is mentioned in section 343.09, or having entered with such intent, breaking such dwelling house in the night time, the offender not being armed, nor arming himself in such dwelling house with a dangerous weapon, nor making an assault upon any person being lawfully therein. (Sec. 343.10)

(3) Breaking and entering in the night time any office, shop, or warehouse, or any other building not adjoining or occupied with any dwelling house, or any ship, steamboat, vessel or railroad car with intention to commit murder, rape, robbery, larceny or other felony. (Sec. 343.11)

(4) Entering in the night time without breaking, or breaking and entering in the day time any dwelling house or any outhouse thereto adjoining and occupied therewith, or any office, shop or warehouse, or other building, or any ship, steamboat or vessel or railroad car with intent to commit murder, rape, robbery, larceny or other felony. (Sec. 343.12)

(5) Breaking and entering either by day or night with intent to commit a crime, any building, whether inhabited or not, and opening or attempting to open any vault, safe or other secure place by means of explosives. (Sec. 343.121)

(6) Breaking and entering by day or night with intent to commit a crime, any bank or trust company building, whether inhabited or not, and opening or attempting to open any vault, safe or other secure place by any means, including the use of explosives. (Sec. 343.122)

(7) Unlawful entry of a dwelling house, bank, trust company or other building with intent to commit a felony. (Sec. 343.13)

(8) Breaking and entering at any time any church, courthouse, academy or building employed for public use and stealing therein money or property of another. [See Larceny (4).] (Sec. 343.14)

(9) Assault with intent to commit burglary. (Secs. 340.50, 340.51)

(10) All attempts.

(11) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possession of burglar's tools. (Sec. 343.131)

(2) Theft of lead pipe in a building partially constructed. [See Larceny (7).] (Sec. 343.14)

(3) Through intimidation, force or use of a dangerous weapon, or if any confederate be present aiding or abetting by such means, feloniously robbing, stealing, taking or carrying any money or other property which may be the subject of larceny, from any bank or trust company building. [See Robbery (5).] (Sec. 343.122)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. The common law definition, viz., that larceny is the wrongful or fraudulent taking and carrying away by any person of the mere personal goods of another from any place, with a felonious intent to convert them to the taker's own use and make them his own property, without consent of the owner, is the law of this state. Fetkenhauer v. State (1901) 112 Wis. 491; Topolewski v. State (1906) 130 Wis. 244; Brockman v. State (1927) 192 Wis. 15.

(2) Stealing the property of another, any money, goods or chattels, or any bank note, promissory note, contract, railroad ticket,

public record, etc., or any personal property, where value exceeds $25,000; is over $10,000 and less than $25,000; is over $1,000 and less than $10,000; is over $100; is over $20 and less than $100. (Sec. 343.17)

(3) Same, where value does not exceed $20. (Sec. 343.17)

(4) Larceny committed in any dwelling house, office shop, bank, warehouse or other building, vessel or railroad car. [See Burglary (8).] (Sec. 343.14)

(5) Larceny from the person. (Sec. 343.15)

(6) Larceny of property in a building on fire or removed in consequence of an alarm of fire. (Sec. 343.16)

(7) Lead pipe from any building partially constructed. (Sec. 343.14)

(8) Gas, water, steam or electricity. (Sec. 343.17)

(9) Any bird ordinarily kept in a state of confinement, or any dog or beast of any value, not the subject of larceny at common law. (Sec. 343.173)

(10) Branded logs of another; or any log suitable for lumber, whether owner be known or unknown, lying in any river of the state or on land adjoining. (Secs. 343.50, 343.51)

(11) Cutting out, altering or destroying marks on logs or other lumber lying on any river or land adjoining. (Sec. 343.54)

(12) Frogs from land of another without consent. (Sec. 348.387)

(13) Entering grounds of state fish hatchery with intent to take fish; or unlawfully taking fish from waters or grounds connected with state fish hatchery. (Secs. 348.388, 348.389)

(14) Entering lands of another and severing, taking, and converting cranberries or taking and carrying away anything of value which is parcel of the realty or annexed thereto, by a trespass with intent to steal; or digging up, severing or carrying away any tree, fruit, etc., or other vegetable production, or mineral, earth or stone, or part of any building, fence or railing upon land of another; from public ground; from state lands; or trees or timber standing or growing on land of another, or the products of such wood or timber. (Secs. 343.171, 343.172, 343.44, 343.45, 343.511, 343.512)

(15) Removing rock, gravel, etc., from the natural bed of lakes and rivers of the state. (Sec.348.42)

(16) Taking and carrying away with intent to convert book, pictures or other property of any public library. (Sec. 343.44)

(17) All attempts.

Omit

(1) Fraudulent conversion by a bailee. (Sec. 343.17)

(2) Selling or disposing of logs or lumber of another without consent of owner. [See (10) above.] (Sec. 343.51)

(3) Retaining possession of military property belonging to the state. (Sec. 343.70)

(4) Fraudulent removal, etc., of mortgaged personal property. (Sec. 343.69)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)

(2) All attempts.

Omit

(1) Taking, using and operating any automobile, motorcycle or other motor vehicle upon any public highway of the state without consent of owner. (Stats. 1927, Sec. 343.18)
Note: Omit only cases where no intent to steal appears.

WYOMING

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Wyoming Compiled Statutes, 1920.
Session Laws of Wyoming, Special 1920, 1921, 1923, 1925, 1927, 1st and 2nd Special 1928.

1. FELONIOUS HOMICIDE

(1) Murder: First degree: killing any human being purposely and with premeditated malice, or in perpetration of or attempt to perpetrate any rape, arson, robbery or burglary, or by administering poison or causing same to be done. (Comp. Stats. 1920, Sec. 7066)
(2) First degree: death from dueling within the state. (Sec. 7067)
(3) First degree: arson by burning enumerated property of another of the value of $20 or upwards or insured, whereby the life of any person be lost. (Sec. 7094)
(4) Second degree: killing any human being purposely and maliciously, but without premeditation. (Sec. 7069)
(5) Second degree: shooting a firearm or throwing a missile at a stage coach, locomotive, railroad or street car whereby death of any person ensues. (Sec. 7150)
(6) Manslaughter: unlawfully killing any human being without malice, express or implied.
Voluntary manslaughter: killing upon a sudden heat of passion.
Involuntary manslaughter: killing while engaged in the commission of some unlawful act or by any culpable neglect or criminal carelessness. (Sec. 7070)
(7) Death caused by physician or other person, while in a state of intoxication, prescribing or administering any poison, drug, etc. (Sec. 7085)
(8) Death of woman caused by administering drug, etc., with intent to procure miscarriage, unless necessary to preserve her life. (Sec. 7086)

Omit

(1) Fighting a duel without the state by previous appointment made within, resulting in death within the state. (Sec. 7068)
(2) Killing unborn child by wilful assault upon the mother. (Sec. 7071)

2. RAPE

(1) Unlawfully having carnal knowledge of a woman forcibly and against her will; or of a woman or female child under 18, either with or without her consent. (Sec. 7080)
(2) Perpetrating an assault or assault and battery upon any female with intent to commit the crime of rape. (Sec. 7081)
(3) Boarding passenger train with intent to commit rape. (Sec. 7151)
(4) All attempts.

Omit

(1) Any person having carnal knowledge of any female prisoner, patient or charge in state penal, reformatory or charitable institution, prison or jail. (Sec. 7207)

3. ROBBERY

(1) Forcibly and feloniously taking from the person of another any article of value, by violence or by putting in fear. (Sec. 7077)
(2) Unlawfully boarding a passenger train with intention of robbing same or any person thereon, or with intent to commit robbery, etc., upon any person thereon. (Sec. 7151)
(3) Assault with intent to rob. (Sec. 7072)
(4) All attempts.

Omit

(1) Unlawfully obstructing or derailing train, or using explosives with intent to wreck train; boarding train with intent to commit murder. [See Aggravated Assault (6).] (Sec. 7151)

4. AGGRAVATED ASSAULT

(1) Assault and battery with intent to commit murder. (Sec. 7150)
(2) Administering poison with intent to kill. (Sec. 7082)
(3) Poisoning any spring, well, etc., with intent to injure or kill any human being. (Sec. 7083)
(4) Duelling. (Sec. 7181)
(5) With malicious intent to maim or disfigure, cutting, biting or slitting the nose, ear or lip, cutting out or disabling the tongue, putting out or destroying an eye, cutting off or disabling a limb or any member of another person. (Sec. 7076)
(6) Unlawful obstruction of railroad tracks; use of explosives with intent to wreck train; boarding train with intent to commit murder. (Sec. 7151)
(7) Unlawfully and maliciously inflicting upon another person, either with or without any weapon or instrument, any grievous bodily harm or unlawfully or maliciously cutting, stabbing or wounding any other person. (Sec. 7075)
(8) Injury resulting from attacking a public conveyance by shooting, throwing, etc. (Sec. 7149)
(9) All attempts.

Omit

(1) Killing unborn child by wilful assault upon the mother. [See Felonious Homicide **Omit** (2).] (Sec. 7071)
(2) Unlawfully attempting to commit a violent injury upon the person of another, having the present ability to do so. (Sec. 7073)
(3) Unlawfully touching another in a rude, insolent or angry manner. (Sec. 7074)
(4) Death resulting from attacking a public conveyance by shooting, throwing, etc. [See Felonious Homicide (5).] (Sec. 7150)
(5) Death from duelling. [See Felonious Homicide (2), Felonious Homicide **Omit** (1).] (Secs. 7067, 7068)
(6) Challenging to duel, etc. (Sec. 7180)
(7) Assault with intent to rape. [See Rape (2).] (Sec. 7081)
(8) Assault or assault and battery with felonious intent. [See Robbery (3), Burglary (4).] (Sec. 7072)
(9) Unlawfully boarding passenger train with intent to commit felony. [See Rape (3), Robbery (2), Burglary (5).] (Sec. 7151)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering, at any time, any dwelling house, kitchen, smoke-house, out-house, shop, office, barn, tool house, depot, railroad car, etc., or other buildings whatsoever, with intent to commit a felony or to steal property of any value. (Sec. 7097)

(2) Entering same at any time and attempting to commit a felony, or to steal property of any value. (Sec. 7098)
(3) Breaking and entering with intent to commit a felony, either by day or night, any building, whether inhabited or not, and opening or attempting to open any vault, safe or other secure place by nitro-glycerine or other explosive. (Sec. 7101)
(4) Assault with intent to commit burglary. (Sec. 7072)
(5) Unlawfully boarding passenger train with intent to commit burglary. (Sec. 7151)
(6) All attempts.
(7) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Possessing burglar's tools, etc., or being found in any building containing valuable property, with intent to steal. [See Larceny (3).] (Sec. 7100)
(2) Unlawfully breaking and entering at any time into any locked or sealed dwelling house, kitchen, etc. (Sec. 7099)
Note: No intent charged.

6. LARCENY—THEFT (except auto theft)

(1) Grand larceny: feloniously stealing, taking and carrying, leading or driving away the personal goods of another, of the value of $25.00 or upwards. (Sec. 7106)
(2) Petit larceny: same, of personal goods of the value of any sum less than $25.00. (Sec. 7107)
(3) Being found in any building containing valuable property with intent to steal. (Sec. 7100)
(4) Will or testamentary instrument. (Sec. 7124)
(5) Public records. (Sec. 7125)
(6) Wool or sheep pelts, not exceeding $25.00 in value. (Sec. 7110)
(7) Dogs. (Sec. 3239)
(8) Livestock:
a. Any horse, mule, sheep, etc., of value. (Sec. 7112)
b. Branding or altering or defacing brand of any horse, sheep, cattle, etc., of another, with intent to steal or prevent identification. (Sec. 7122)
c. Removing skin, etc., from any neat cattle found dead, without permission of owner; except railroad employees of stock killed by railroad company. (Sess. L. 1921, Ch. 5, p. 5)
(9) Gas, electricity. (Comp. Stats. 1920, Secs. 7113 to 7121)
(10) Severing products or fruits from the soil, or improvements from any building, fence, etc.; removing shade or fruit tree or shrub or the box around same. (Secs. 7128, 7155)
(11) Sawlogs or lumber, etc., from river or shore; taking, removing, cutting or otherwise injuring or destroying same; exceptions; cutting out, altering or destroying brands on logs, timber, etc., put into any river. (Secs. 7163, 7169)
(12) Any part, equipment, attachment, etc., contained in or forming part of any automobile of another, of value of less than $20.00; of value of $20.00 or more. (Sess. L. 1923, Ch. 88, p. 158, Secs. 4, 5)
(13) All attempts.

Omit

(1) Conversion by bailee, by finding or otherwise, of money, bank bill or note, or goods or chattels, with intent to steal. (Comp. Stats. 1920, Sec. 7108)

(2) Wrongfully taking or removing waste or packing or brass from journal box of any locomotive, tender, car, etc., on any railroad. (Sec. 7109)
(3) Unauthorized use: wrongfully taking any horse, etc., buggy or other vehicle from premises or pasture of another without consent, with intent to set at large, injure or wrongfully use same. (Sec. 7161)
(4) Sheepherder wilfully abandoning sheep upon the open range. (Sec. 7113)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Wrongfully taking any vehicle from premises of another without consent, with intent to injure or wrongfully use same. (Comp. Stats. 1920, Sec. 7161)
(2) Wilfully, without specific authority, taking possession of, driving, etc., or taking away any automobile, the property of another, for the purpose of *temporarily* making use of same. (Sess. L. 1923, Ch. 88, p. 158, Sec. 2)

ALASKA

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
The Compiled Laws of the Territory of Alaska, 1913.
Session Laws of Alaska, 1915, 1917, 1919, 1921, 1923, 1925, 1927.

1. FELONIOUS HOMICIDE

(1) Murder: first degree: being of sound memory and discretion and killing another purposely, either of deliberate and premeditated malice or by means of poison, or in perpetrating or in attempting to perpetrate any rape, arson, burglary or robbery. (Comp. Laws, Sec. 1883)
(2) First degree: death resulting from the malicious obstruction of a railroad. (Sec. 1884)
(3) Second degree: purposely and maliciously killing another except as provided in sections 1883 and 1884. (Sec. 1885)
(4) Manslaughter: unlawfully killing another, except as provided in sections 1883, 1884 and 1885. (Sec. 1886)
(5) Death resulting from the administering of poison, drug or medicine or from any other act by an intoxicated physician. (Sec. 1889)
(6) Death of mother from administering of drugs or medicine or instruments in abortion. (Sec. 1888)
(7) Death resulting from culpable negligence when not murder or justifiable or excusable homicide. (Sec. 1890)

Omit

(1) Purposely and deliberately procuring or assisting another to commit self-murder. (Sec. 1887)
(2) Death of child in abortion. (Sec. 1888)

2. RAPE

(1) Carnal knowledge of a female, forcibly and against her will, or, being 16 years of age and carnally knowing and abusing a female person under 16, with her consent. (Sec. 1894)
(2) Assault with intent to commit rape. (Sec. 1898)
(3) All attempts.

3. ROBBERY

(1) By force or violence or by putting in fear, stealing and taking from the person of another anything of value. (Sec. 1906)
(2) Assault with intent to commit robbery. (Sec. 1898)
(3) All attempts.

Omit

(1) Otherwise than by force or violence or by putting in fear, stealing and taking from the person of another anything of value. [See Larceny (7).] (Sec. 1906)
(2) Breaking or robbing in any manner or attempting to break or rob any flume, rocker, quartz, quartz vein, lode, bedrock, sluice, sluice box or mining claim of another or trespassing on same, with intent to commit a felony. [See Larceny (10), Larceny **Omit** (3).] (Sec. 1955)

4. AGGRAVATED ASSAULT

(1) Assault with intent to kill. (Sec. 1898)
(2) Maliciously shooting, cutting or stabbing another with intent to kill, wound or maim. (Sec. 1897)
(3) Administering poison to another with intent to kill, or mingling poison with food, drink or medicine or willfully poisoning any well, spring, cistern or reservoir of water. (Sec. 1903)
(4) Maiming or injuring any person by the discharge of any firearm intentionally pointed but without malice. (Sec. 1902)
(5) Assault with a dangerous weapon. (Sec. 1904)
(6) Dueling. (Sec. 1899)
(7) With malicious intent to maim or disfigure, cutting, biting or slitting the nose, ear, or lip, cutting out or disabling the tongue, putting out or destroying an eye, cutting off or disabling a limb or any member of another person; or with like intent throwing or pouring upon or at another any scalding hot water, vitriol or other corrosive acid or caustic substance; or with like intent assaulting another with any dangerous instrument whatever. (Sec. 1896)
(8) Assault with a deadly weapon upon an officer by a person imprisoned in a penitentiary. (Sec. 1981)
(9) Assault with a deadly weapon upon an officer by any person imprisoned or sentenced to be imprisoned in the county jail. (Sec. 1983)
(10) All attempts.

Omit

(1) Assault with intent to rape or rob. [See Rape (2) and Robbery (2).] (Sec. 1898)
(2) Assaulting and beating another with a cowhide, whip or stick, having in possession a pistol or other deadly weapon. (Sec. 1901)
(3) Assault upon an officer while aiding escape from penitentiary; from county jail. (Secs. 1982, 1984)
(4) Being unarmed and unlawfully assaulting or threatening another in a menacing manner. (Sec. 1905)
(5) Challenging to duel, seconding, etc. (Secs. 1899, 1900)

5. BURGLARY—BREAKING OR ENTERING

(1) Breaking and entering any dwelling house in which there is at the time some human being, with intent to commit a crime therein, or having entered with such intent, breaking any such dwelling house or being armed with a dangerous weapon therein, or assaulting any person lawfully therein. (Sec. 1917)
(2) Breaking and entering any building within the curtilage of any dwelling house but not forming a part thereof, or breaking and entering any building, booth, tent, railway car, boat or other structure in which property is kept, with intent to steal therein or to commit any felony. (Sec. 1918)
(3) Having committed or attempted to commit a crime in the dwelling house of another and breaking any outer door, window, shutter or other part of such house to get out. (Sec. 1919)
(4) Breaking and entering in the night or day any church, courthouse, meeting house, college or other building erected or used for public use and committing the crime of larceny. (Sec. 1922)
(5) All attempts, including assault with intent to commit burglary.
(6) Note: Include under burglary any unlawful entry with intent to commit a felony or any larceny. See Report, Section 214.

Omit

(1) Breaking or robbing in any manner or attempting to break or rob any flume, rocker, quartz, quartz vein, or lode, bedrock, sluice, sluice box, or mining claim of another, or trespassing upon same, with intent to commit a felony. [See Larceny (10), Larceny **Omit** (3).] (Sec. 1955)

6. LARCENY—THEFT (except auto theft)

(1) Not defined by statute. Larceny, as at common law, is the felonious taking and carrying away of the personal goods of another. In re Burkell (1903) 2 Ala. R. 109.
(2) Stealing any goods or chattels, or any government note, bank note, bond, bill of exchange, or other thing in action, or any book of accounts, order, certificate, etc., of value exceeding $35; of value not exceeding $35. (Sec. 1921)
(3) Larceny in any dwelling house, banking house, office, store, shop, warehouse, ship, steamboat or other vessel. (Sec. 1922)
(4) Stealing any horse, gelding, mare, colt, mule, ass, jenny, bull, steer, cow, etc.
(Sec. 1923, amended Laws 1923, Ch. 59, p. 85; Laws 1925, Ch. 14, p. 25)
(5) Knowingly driving domestic animals over 10 miles from off their range by persons other than the owners. (Sec. 1924)
(6) Wilfully making, altering or defacing marks or brands on animals of another, with intent to convert to own use. (Sec. 1925)
(7) Otherwise than by force or violence or by putting in fear, stealing and taking from the person of another anything of value. (Sec. 1906)
(8) Wilfully entering improved lands of another with intent to cut, take or carry away trees, grain, fruit or vegetable products there growing. (Sec. 1944)
(9) Wilfully taking or removing timber or wood previously severed from lands of another or any mineral, earth or stone. (Sec. 1946)
(10) Breaking or robbing in any manner or attempting to break or rob any flume, rocker, quartz, quartz vein, or lode, bedrock, suice, sluice box, or mining claim of another. (Sec. 1955)
Note: Include hereunder cases of stealing unaccompanied by assault or violence to the person.

Omit

(1) Breaking and entering any church, courthouse, etc. [See Burglary (4).] (Sec. 1922)
(2) Receiving property by false personation, with intent to defraud or convert. (Sec. 1933)
(3) Trespassing upon mining claim with intent to commit a felony. (Sec. 1955)
(4) Driving the vehicle of another without owner's consent but without intent to steal. (Laws 1927, Ch. 44, p. 81)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Driving the vehicle of another without the owner's consent but without intent to steal. (Laws 1927, Ch. 44, p. 81)

CANAL ZONE

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Laws of the Canal Zone, 1904 to 1914, by J. J. McGuigan, 1921. Penal Code, p. 93.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being with malice aforethought, express or implied. (Pen. C., Secs. 146, 147)
(2) First degree: murder perpetrated by means of poison, lying in wait, torture, or by any other wilful, deliberate or premeditated act or acts, or which is committed in the perpetration of or attempt to perpetrate arson, rape, robbery, burglary or mayhem. (Sec. 148)
(3) Second degree: all other kinds of murder. (Sec. 148)
(4) Manslaughter: the unlawfull killing of a human being without malice, voluntarily, upon a sudden quarrel or in the heat of passion; or involuntarily, in the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner or without due caution or circumspection. (Sec. 150)
(5) Death resulting from the wilful, ignorant and negligent operation of a steam boiler. (Sec. 248)
(6) Same: railroad train. (Sec. 250)
(7) Death resulting from apothecary negligently omitting to label or mislabeling drugs, prescription, etc. (Sec. 257)
(8) Death resulting from vicious animal suffered to run loose by owner knowing its propensities. (Sec. 270)

2. RAPE

(1) An act of sexual intercourse accomplished with a female not the wife of the perpetrator, under any of the following circumstances: (1) where the female is under 13; (2) where she is incapable through lunacy or other unsoundness of mind of giving legal consent; (3) where she is prevented from resisting by threats of great and immediate bodily harm accompanied by an apparent power of execution, or by any intoxicating, narcotic or anaesthetic substance administered by or with the privity of the accused; (4) where she resists, but her resistance is overcome by force or violence; (5) where she is at the time unconscious of the nature of the act and this is known to the accused; (6) where she submits under the belief that the person committing the act is her husband and this belief is induced by any artifice, pretense, or concealment practised by the accused, with intent to induce such belief. (Sec. 201)
(2) Assault with intent to commit rape. (Secs. 169,171)
(3) All attempts.

3. ROBBERY

(1) The felonious taking of personal property in the possession of another, from his person or immediate presence and against his will, accomplished by means of force or fear. (Sec. 184)
(2) Assault with intent to commit robbery. (Secs. 169, 171)
(3) Boarding passenger train with intent of robbing same. (Sec. 166)
(4) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to commit murder. (Sec. 165)
(2) Administering or procuring or causing to be administered to another, any poison or other noxious substance or liquid with intent to kill. (Sec. 164)
(3) Wilfully mingling poison with food, drink or medicine with intent that same shall be taken by any human being. (Sec. 168)
(4) Assault with a deadly weapon or instrument or by any means likely to produce great bodily harm. (Sec. 183)
(5) Duelling. (Secs. 172, 173)
(6) Unlawfully and maliciously depriving a human being of a member of his body, or disabling, disfiguring, or rendering it useless, or cutting or disabling the tongue, or putting out an eye, or slitting the nose, ear or lip. (Sec. 159)
(7) Assault with intent to commit mayhem. (Sec. 169)
(8) Placing or throwing upon the person of another any vitriol, acid, or caustic chemical with intent to injure the flesh or disfigure the body. (Sec. 182)
(9) Wilful obstruction of railroads. (Sec. 166)
(10) All attempts.

Omit

(1) Assault with intent to commit rape or robbery. [See Rape (2), Robbery (2).] (Sec. 169)
(2) Assault with intent to commit any felony except assault with intent to commit murder, the punishment for which is not otherwise prescribed; or by administering chloroform, etc., with intent to assist self or another to commit a felony. [See Rape (2), Robbery (2), Burglary (4).] (Secs. 170,171)
(3) Death resulting from the wilful, ignorant and negligent operation of a steam boiler. [See Felonious Homicide (5).] (Sec. 248)
(4) Same: railroad train. [See Felonious Homicide (6).] (Sec. 250)
(5) Wilful inhumanity toward any prisoner by an officer, warden or jailer. (Sec. 122)
(6) Obstructing an officer in the discharge of his duties. (Sec. 123)
(7) Assault by a public officer under color of authority. (Sec. 124)
(8) Any unlawful attempt coupled with a present ability to commit a violent injury on the person of another. (Sec. 178)
(9) Any wilful and unlawful use of force or violence upon the person of another. (Sec. 181)
(10) Harsh, cruel and unkind treatment toward an idiot, lunatic or insane person. (Sec. 244)
(11) Posting another for refusal to duel, challenging, failure of officer to prevent a duel, leaving the Canal Zone to evade the dueling laws. (Secs. 173, 174, 176)
(12) Wilful, ignorant or negligent operation of a steam boiler, thereby endangering life. (Sec. 247)
(13) Ignorant and negligent operation of a steamboat, thereby endangering life. (Sec. 249)
(14) Any act by an intoxicated physician endangering life of another. (Sec. 167)

5. BURGLARY—BREAKING OR ENTERING

(1) Entering any house, room, apartment, tenement, shop, warehouse, store, barn, stable, outhouse, or other building, tent, vessel or car with intent to commit grand or petit larceny or any felony. (Sec. 316)

(2) First degree: burglary in the nighttime. (Sec. 317)
(3) Second degree: burglary in the daytime. (Sec. 317)
(4) Assault with intent to commit burglary. (Secs. 170, 171)
(5) All attempts.

Omit

(1) Possession or making of burglar's tools and deadly weapons. (Sec. 320)

6. **LARCENY—THEFT (except auto theft)**

(1) The felonious stealing, taking, carrying, leading, or driving away the personal property of another. (Sec. 340)
(2) Grand larceny: when the property taken is of the value of $25.00 and upwards; when it is taken from the person; when it is a horse, mare, gelding, cow, steer, bull, calf, mule, jack or jenny. (Sec. 342)
(3) Petit larceny: all other cases. (Sec. 343)
(4) Conversion of real estate by severing from the realty with intent to steal. (Sec. 345)
(5) Theft of an evidence of debt. (Sec. 347)
(6) Theft of a passage ticket. (Sec. 348)
(7) Theft of fixture or any part of realty, severed at the time of taking. (Sec. 350)
(8) Theft of gas or electricity by fraudulent connection with main. (Sec. 353)
(9) Theft of water by fraudulent connection, etc. (Secs. 354, 357, 420)
(10) Theft of property from a fire. (Sec. 355)
(11) Marking or branding or altering or defacing the mark or brand of any horse, mare, colt, jack, mule, calf, sheep, cow, hog, etc., belonging to another, with intent to steal. (Sec. 242)
(12) Stealing public records and documents by a public officer. (Sec. 101)
(13) Same: by person not a public officer. (Sec. 102)
(14) Cutting down, carrying away, wood or timber standing or lying on lands of another or public lands; taking or carrying away earth, soil or stone from city lot, street or park. (Sec. 426 [1], [2], [4], [5])
(15) All attempts.
  (1) Appropriation of lost property. (Sec. 346)
  (2) Removal or disposing of fixtures by mortgagor from mortgaged real property without consent. (Sec. 356)

7. **AUTO THEFT**

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Taking for temporary use where actually returned.
(2) Illegal use by chauffeurs.

HAWAII, TERRITORY OF

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Revised Laws of Hawaii, 1925. 2 Vols.
Sessions Laws, 1925, 1927, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: the killing of any human being with malice aforethought, without authority, justification or extenuation by law. (Rev. Laws, Vol. I, Sec. 4115)
(2) First degree: murder committed with deliberate premeditated malice aforethought, or in the commission of or attempt to commit any crime punishable with death, or committed with extreme atrocity or cruelty. (Sec. 4117)
(3) Second degree: murder not appearing to be first degree. (Sec. 4117)
(4) Killing in a duel. (Sec. 4123)
(5) Manslaughter: the killing of a human being without malice aforethought, and without authority, justification or extenuation by law. (Sec. 4119)
(6) Death of officer in dispersing a riot. (Sec. 4355)

2. RAPE

(1) Ravishing or having carnal intercourse with any female, by force and against her will. (Sec. 4147)
(2) Ravishing or carnally abusing and knowing any female child under the age of 12 years. (Sec. 4148)
(3) Assault with intent to commit rape. (Sec. 4149, amended Sess. L. 1927, Act 19, p. 13)
(4) All attempts.

Omit

(1) Indecent assault on a female child under 12 years. (Sec. 4150)

3. ROBBERY

(1) The stealing of a thing from the person of another or from his custody in his presence, by force or putting him in fear. (Sec. 4157)
(2) First degree: robbery by one armed with a dangerous weapon with intent, if resisted, to kill, maim, wound or inflict other severe corporal injury upon the person robbed; or being so armed and wounding, striking or inflicting other severe injury upon the person robbed, or any other person. (Sec. 4164)
(3) Second degree: all other robbery. (Sec. 4164)
(4) Assault with a dangerous weapon with intent to commit robbery. (Sec. 4131)
(5) Same, unarmed. (Sec. 4132)
(6) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder, or to maim or disfigure. (Sec. 4130)
(2) Assault with a dangerous weapon with intent to commit manslaughter or murder. (Sec. 4131)
(3) Assault with a knife, sword-cane or any other weapon obviously and imminently dangerous to life. (Sec. 4133)

(4) Wounding a public minister. (Sec. 4136)
(5) Dueling. (Sec. 4124)
(6) With malicious intent to maim or disfigure, or mutilate, cutting out or maiming the tongue, putting out or destroying an eye, cutting or tearing off an ear, cutting or slitting or mutilating the nose or lip, or destroying or disabling any limb, member or bodily organ of another. (Sec. 4129)
(7) Using dynamite or other explosive chemical or substance for the purpose of inflicting bodily injury. (Sec. 4299)
(8) Wounding of officer engaged in dispersing a riot. (Sec. 4355)
(9) All attempts.

Omit

(1) Assault with a dangerous weapon with intent to commit burglary or robbery. [See Burglary (4), Robbery (4).] (Sec. 4131)
(2) Assault without a dangerous weapon with intent to commit burglary, robbery or theft. [See Burglary (5), Robbery (5).] (Sec. 4132)
(3) Assault with intent to commit rape. [See Rape (3).] (Sec. 4149, amended Sess. L. 1927, Act 19, p. 13)
(4) Assault: a malicious attempt forcibly to do a corporal wrong to another without authority of law. (Sec. 4127)
(5) Battery: the malicious and forcible infliction of a corporal injury on another without authority of law. (Sec. 4129)
(6) Assault and battery on a public officer with intent to hinder him in the discharge of his duties. (Sec. 4134)
(7) Assaulting and striking a public minister. (Sec. 4135)
(8) Assault by inflicting slight corporal injuries upon another. (Sec. 4136, amended Sess. L. 1927, Act 19, p. 13)
(9) Challenging to duel, seconding, aiding, posting, etc. (Secs. 4124, 4125, 4126)
(10) Possessing dynamite or explosive chemical or substance, other than ammunition for firearms, with intent to use to inflict bodily injury upon any person. (Sec. 4300)

5. BURGLARY—BREAKING OR ENTERING

(1) Entering by night or day the dwelling house, room, building, store, mill, warehouse, outhouse or vessel of another with intent to commit larceny in either first or second degree or any felony therein. (Sec. 4167)
(2) First degree: burglary committed in the night time or by one armed with a deadly weapon or committed when any person having a right to be there is within the place burglarized. (Sec. 4169)
(3) Second degree: all other burglary. (Sec. 4169)
(4) Assault with a dangerous weapon with intent to commit burglary. (Sec. 4131)
(5) Same, unarmed. (Sec. 4132)
(6) All attempts.

6. LARCENY—THEFT (except auto theft)

(1) The felonious taking of anything of marketable, saleable, assignable or available value, belonging to or being the property of another. (Sec. 4171)
(2) First degree: the theft of property of the value of more than $50. (Sec. 4185)
(3) Second degree: all other larceny. (Sec. 4185)
(4) Domestic animals of value. (Sec. 4179)

(5) Animals not usually domesticated, when in possession, custody or control of owner or anyone for him. (Sec. 4180)
(6) Wrecked property. (Sec. 4181)
(7) Writings of value. (Sec. 4182)
(8) Property severed or detached from the real estate. (Sec. 4174)
(9) Maliciously and without the consent of the person in possession thereof, moving, taking, taking away, carrying away or converting to own use any tricycle, bicycle, or any horse, wagon, cart, buggy, surrey or other wheeled vehicle, or any boat, skiff, canoe, motor boat, etc. [See Auto Theft (1).] (Sec. 4187)
(10) Unlawfully removing books, objects of art, etc., from library or museum. (Sec. 4296, amended Sess. L. 1927, Act 15, p. 11)
Note: Include only cases where intent to steal appears.
(11) All attempts.

Omit

(1) Larceny of estrays and lost property. (Sec. 4181)

7. AUTO THEFT

(1) Maliciously and without consent of person in possession thereof, moving, taking, taking away, carrying away or converting to own use any motorcycle, automobile or any other motor vehicle. [See Larceny (9).] (Sec. 4187)
(2) All attempts.

Omit

(1) Taking for temporary use where actually returned. (No specific statute)
(2) Illegal use by chauffeurs.

PHILIPPINE ISLANDS

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Penal Code of the Philippine Islands.
G. B. Guevara, 2nd ed., 1923.
Public Laws of the Philippine Islands,
Vols. 18-23, 1923 to 1928.

1. FELONIOUS HOMICIDE

(1) Murder: killing any person other than those mentioned in Article 402, under any of the following circumstances:
1. With alevosia (treachery).
2. For a price or promise of reward.
3. By means of inundation, fire or poison.
4. With evident premeditation.
5. With cruelty, by deliberately and inhumanly increasing the sufferings of the offended party. (Pen. C., Art. 403)

(2) Parricide: killing one's father, mother or children, whether legitimate or illegitimate, or any other ascendant or descendant, or one's spouse. (Art. 402)

(3) Killing of child within 3 days after birth by mother or maternal grandparents to conceal mother's dishonor; by any other person. (Art. 409)

(4) Killing adversary in a duel. (Arts. 425, 426 and see Art. 432)

(5) Homicide: killing another under circumstances other than in Articles 402 and 403 above. (Art. 404)

(6) Death resulting to a person in the course of a tumultuous affray, when it cannot be determined who killed or injured deceased. (Art. 405)

(7) Husband killing wife or paramour, having found them in act of adultery; killing by wife who surprises husband with another woman under such circumstances.
(Art. 423, amended Pub. Laws 1924, Vol. 20, Act No. 3195, p. 37)

(8) Killing by parents under similar circumstances with respect to daughter under 18 years and her seducer while daughter is living with parents. (Same)

(9) Homicide committed in consequence or on the occasion of a robbery. (Art. 503)

(10) Attempted robbery resulting in homicide. (Art. 506)

(11) Death resulting from unlawful dispensation of drugs or medicine by pharmacist. (Art. 338)

Omit

(1) Assisting another to commit suicide; same, to extent of doing the actual killing. (Art. 406)

(2) Seconds in a duel resulting in death are guilty as principals. (Art. 430)

2. RAPE

(1) Having carnal knowledge of a woman:
1. If force or intimidation is used.
2. While she is deprived of reason or unconscious, whatever be the cause of such condition.
3. When she is under 12, though neither of the above circumstances be present. (Art. 438)

(2) Robbery accompanied by rape. (Art. 503)

(3) All attempts, including assault with intent to commit rape.

Omit

(1) Committing lascivious act upon person of either sex under any of circumstances mentioned in Article 438. (Art. 439)

3. ROBBERY

(1) With intent to gain, taking any personal property by the use of violence or intimidation against any person. (Art. 502)
(2) Robbery accompanied by any intentional mutilation, or where any of the physical injuries enumerated in Article 416, paragraph 1 [i.e., whereby the injured person shall become an imbecile, impotent or blind—see Aggravated Assault (4)] shall be inflicted, or where the person robbed shall be held for ransom, or deprived of his liberty for more than one day. (Art. 503, Par. 2)
(3) Robbery where any of the physical injuries enumerated in Article 416, paragraph 2 [i.e., loss of eye or principal member, etc.—see Aggravated Assault (4)] shall be inflicted. (Par. 3)
(4) Robbery where the violence or intimidation employed in committing it shall have been carried to a degree clearly unnecessary to the commission of the crime or when in perpetration of the crime the offenders shall have inflicted any of the physical injuries falling within paragraphs 3 and 4 of Article 416—[see Aggravated Assault (4)] upon any persons not connected with its commission. (Par. 4)
(5) Robbery in any other case. (Art. 503, Par. 5)
(6) Robbery where the thing stolen was any kind of large cattle (i.e., horse, mule, ass, carabao, or other domesticated member of the bovine family). (Par. 5)
(7) Robbery as under Article 503, paragraphs 3, 4 and 5—[(4) to (7) above]—committed in an uninhabited place, or by a band consisting of more than 3 armed men, or by attacking a moving train or entering passenger compartments of same, or taking such travelers by surprise in the cars. (Art. 504)
(8) Attempted robbery, including assault with intent to rob. (Art. 506)
(9) Highway robbery: 3 or more persons banding together for the purpose of stealing carabaos, cattle, horses, rice or personal property of any description, by means of force and violence, being armed with deadly weapons for the purpose. [See **Omit** (6).] (Art. 518, Sec. 1, as amended by Act 2036, Sec. 1)

Omit

(1) With intent to gain, taking any personal property by the use of force upon anything. [See Burglary (1).] (Art. 502)
(2) Robbery resulting in homicide. [See Felonious Homicide (9).] (Art. 503, Par. 1)
(3) Robbery accompanied by any intentional rape. [See Rape (2).] (Par. 2)
(4) Attempted robbery resulting in homicide. [See Felonious Homicide (10).] (Art. 506)
(5) With intent to defraud, compelling another by force or intimidation to sign, execute or deliver any public instrument or other document. (Art. 507)
(6) Three or more persons banding together for the purpose of extorting or obtaining ransom, or for any other purpose, by means of force and violence, being armed with deadly weapons for the purpose. (Act 518, Sec. 1, as amended by Act 2036, Sec. 1)

4. AGGRAVATED ASSAULT

(1) Assault with a firearm with intent to commit parricide, murder or homicide. (Art. 408)
(2) Intentional castration of another. (Art. 414)
(3) Any other intentional mutilation. (Art. 415)
(4) Wounding, beating or assaulting another, resulting in:
  1. Imbecility, impotency or blindness.
  2. Loss of an eye or any principal member or the use of such member, or incapacity for work formerly habitually engaged in.
  3. Deformity, or loss of other than a principal member or of the use of same, or incapacity for work habitually engaged in for more than 90 days.
  4. Incapacity for labor for more than 30 days. (Art. 416)
(5) Same, where the offense is committed against any of the persons enumerated in Article 402, or under any of the circumstances mentioned in Article 403. Exception: physical injuries inflicted by a parent upon his child by excessive chastisement. (Art. 416)
(6) Inflicting serious physical injury upon another, without intent to kill, by knowingly administering any noxious substance or beverage, or taking advantage of his credulity or weakness of mind. (Art. 417)
(7) Inflicting less serious physical injuries, which shall incapacitate the offended person for labor for 8 days or more, or make medical attendance necessary for such period, (Art. 418)
Note: Include only cases involving injury inflicted by a means likely to produce death or great bodily harm.
(8) Inflicting same upon offender's parents, ascendants, guardians, curators, teachers or upon persons of rank or public authority. (Art. 419)
(9) Serious physical injury inflicted in any tumultuous affray, where offender is unknown. (Art. 420)
(10) Husband inflicting serious physical injury upon his wife or her paramour, having discovered them in the act of adultery; same by wife surprising husband under such circumstances.
(Art. 423, amended Pub. Laws 1924, Vol. 20, Act No. 3195, p. 37)
(11) Parents inflicting serious physical injury under similar circumstances with respect to any daughter under 18 years and her seducer, while daughter is living with her parents. (Same)
(12) Inflicting injuries mentioned in Article 416, in a duel.
(Arts. 425, 426, and see Art. 432)
(13) All attempts.

Omit

(1) Challenging to duel, inciting another to challenge, scoffing for refusal to duel. (Arts. 424, 428, 429, 255, and see Art. 432)
(2) Seconds in a duel resulting in physical injuries, guilty as principals. (Art. 430)
(3) Fighting a duel where neither is wounded, with seconds; without seconds. (Arts. 425, 431)
(4) Employing force against, resisting or intimidating any public officer in performance of his duties. (Art. 249, Par. 2)
(5) Inflicting physical injuries upon another which prevent his working for from 1 to 7 days, or make medical attendance necessary for such period. (Art. 587)
(6) Inflicting physical injury resulting in incapacity for less than 8 days, upon parents, ascendants, guardians, teachers or upon persons of rank and authority (Art. 419)

(7) Inflicting physical injuries which shall not prevent his customary labor nor require medical attendance. (Art. 588)
(8) Insults, consisting of statements or acts tending to bring another into disrepute, discredit or contempt. (Arts. 456, 457)
(9) Husband illtreating wife, or vice versa. (Art. 588, Pars. 2, 3)
(10) Doing violence to another in a tumultuous affray. (Par. 12)
(11) Beating another or otherwise illtreating him without causing injury. (Art. 589, Par. 1)

5. BURGLARY—BREAKING OR ENTERING

(1) With intent to gain, taking any personal property by the use of force upon anything. (Art. 502)
Note: Confined to entry of places as prescribed in Articles 508 and 512 below.
(2) Commission of robbery by any armed person in an inhabited house, public building or edifice devoted to religious worship, if value of property taken exceeds 1250 pesetas and the robber shall have entered such building or any dependency thereof by any of the following means:
1. Through any opening not intended for entrance or egress. (Art. 508, Par. 1)
2. By breaking any wall, roof or floor, or forcing any door or window. (Par. 2)
3. By making use of false keys, picklocks or other similar instruments. (Par. 3)
4. By breaking of doors, wardrobes, chests or any other kind of furniture, or locked or sealed receptacle. (Par. 4)
5. By use of fictitious name or simulation of authority. (Par. 5)
(3) Commission of robbery as under paragraphs 1 to 5 above, where offender is unarmed and value of property taken exceeds 1250 pesetas; where offender is armed but value does not exceed 1250 pesetas; where offender is unarmed and value does not exceed 1250 pesetas; or where in any such instances the thing stolen was any kind of large cattle (i.e., carabaos, horses, mules, asses and all members of the bovine family). (Art. 508)
(4) Commission of robbery as under Article 508, but by an armed band of more than 3 persons and in an uninhabited place, or if the property taken be anything devoted to religious worship. (Art. 509)
(5) Commission of robbery as under Article 508, but in any dependency of an inhabited house, public building or edifice devoted to religious worship, where entrance shall have been gained by scaling any exterior wall and nothing taken except cereals, fruits or firewood not exceeding 65 pesetas in value. (Art. 511)
(6) Commission of robbery in an uninhabited place, or in any building other than those mentioned in Article 508, paragraph 1—[(2) above]—if value of property taken exceeds 1250 pesetas and if entry shall have been affected by any of means enumerated in Article 508, paragraphs 1 to 4; same, if value shall not exceed 1250 pesetas; same, when thing stolen was any kind of large cattle. (Art. 512)
(7) Commission of robbery as under Article 512, if value of property taken shall not exceed 65 pesetas; if such property consists of cereals, fruits or firewood. (Art. 513)
(8) All attempts, including assault with intent to commit burglary.
(9) Note: Include under burglary ("robbery by the use of force upon anything") any unlawful entry with intent to steal or to commit any felonious homicide, rape, robbery by the use of violence or intimidation against any person, or aggravated assault.

Omit

(1) Possessing picklocks or other instruments adapted to commission of robbery. (Art. 515)
(2) Commission of robbery by taking away any locked or sealed receptacle to be broken or forced open outside the place of robbery. [See Larceny (5).] (Art. 508, Par. 4)

6. LARCENY—THEFT (except auto theft)

(1) With intent to gain, taking anything which is the personal property of another, without the latter's consent, and without the use of violence or intimidation against any person or of force upon anything. (Art. 517, Par. 1)
Note: For such taking with the use of violence or intimidation against any person, see Robbery; for taking by the use of force upon anything preceded by unlawful entry, see Burglary—Breaking or Entering. Include under Larceny—Theft, cases of taking by the use of force upon anything, not preceded by unlawful breaking or entering.
(2) Committing malicious damage, and thereafter removing or making use of the things damaged. (Art. 517, Par. 3)
(3) Theft committed:
1. Where value of thing stolen exceeds 50,000 pesetas. (Art. 518, amended Pub. Laws 1925, Vol. 21, Act No. 3244, p. 194)
2. Where value is from 6,250 to 50,000 pesetas. (Same)
3. Where value is from 1,250 to 6,250 pesetas. (Same)
4. Where value is from 250 to 1,250 pesetas. (Same)
5. Where value is from 25 to 250 pesetas. (Same)
6. Where value does not exceed 25 pesetas. (Same)
7. Of cereals, fruits or firewood of value not exceeding 65 pesetas. (Same)
(4) Qualified theft:
1. Where the thing taken is something devoted to religious worship, or the theft is on the occasion of any religious ceremony or in any building devoted to such ceremonies. (Art. 520, Par. 1)
2. By a domestic servant or someone in a confidential relationship. (Par. 2)
3. By an offender who is twice or more a recidivist. (Par. 3)
4. Of any kind of large cattle (i.e., carabaos, horses, mules, asses, and all members of the bovine family). (Par. 4)
(5) Taking away any locked or sealed receptacle to be broken or forced open outside the place of robbery. (Art. 508, Par. 4)
(6) Stealing any motor vehicle registration certificate, number plate, tag, permit or license. (Act No. 3045, Sec. 24 [d])
(7) All attempts.

Omit

(1) Appropriating lost property, having knowledge of its ownership. (Art. 517, Par. 2)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)
(2) All attempts.

Omit

(1) Operating or using a motor vehicle without permission of owner; same, by chauffeurs. (Act No. 3045 Sec. 39)

PORTO RICO

SCHEDULE OF PART I OFFENSE CLASSES

Statutory authorities cited:
Compilation of the Revised Statutes and Codes of Porto Rico, 1911.
Session Laws of Porto Rico 1912, 1913, 1914, 1915, 1916, 1917, Special 1918, 1919, Special 1920, 1921, 1923, Special 1924, 1925, Special 1926, 1927, 1928, 1929.

1. FELONIOUS HOMICIDE

(1) Murder: the unlawful killing of a human being with malice aforethought. (Comp. of 1911, Sec. 5620)
(2) First degree: all murder which is perpetrated by means of poison, lying in wait, torture, or by any other kind of wilful, deliberate, and premeditated killing, or which is committed in the perpetration of or attempt to perpetrate arson, rape, robbery, burglary or mayhem. (Sec. 5622)
(3) Second degree: all other kinds of murder. (Sec. 5622)
(4) Death from dueling. (Sec. 5647)
(5) Manslaughter: the unlawful killing of a human being without malice, voluntarily, upon a sudden quarrel or heat of passion, or involuntarily, in the commission of an unlawful act which might produce death, in an unlawful manner, or without due caution or circumspection. (Sec. 5624)
(6) Death resulting from the wilful, ignorant or negligent operation of a steam boiler. (Sec. 5774)
(7) Death caused by the unskillful or negligent operation of a railroad car, locomotive, automobile, train or steamboat used as a common carrier. (Sec. 5776, amended Laws 1916, No. 51, p. 105)
(8) Death from apothecary or druggist mislabeling or falsely labeling prescription. (Sec. 5783)
(9) Death by ferocious or mischievous animal suffered to go at large by owner knowing its propensities. (Sec. 5800)

2. RAPE

(1) An act of sexual intercourse, accomplished with a female not the wife of the perpetrator, where the female is under the age of 14; where she is incapable, through lunacy or other unsoundness of mind, of giving legal consent; where she is prevented from resisting by threats of great and immediate bodily harm, accompanied by apparent power of execution, or by any intoxicating, narcotic or anaesthetic substance, administered by or with privity of the accused; where she resists but her resistance is overcome by force or violence; where she is at the time unconscious of the nature of the act and this is known to the accused; where she submits under belief that the person committing the act is her husband and this belief is induced by artifice, pretense or concealment practised by the accused with intent to induce such belief. (Sec. 5697)
(2) Assault with intent to commit rape. (Secs. 5643, 5645)
(3) All attempts.

3. ROBBERY

(1) The felonious taking of personal property in the possession of another, from his person or immediate presence and against his will, accomplished by means of force or fear. (Sec. 5670)
(2) Assault with intent to commit robbery. (Secs. 5643, 5645)
(3) Unlawfully boarding passenger train with intent of robbing same. (Sec. 5640, amended Laws 1929, No. 42, Sec. 3, p. 232)
(4) All attempts.

4. AGGRAVATED ASSAULT

(1) Assault with intent to murder. (Sec. 5639)
(2) Administering poison with intent to kill. (Sec. 5638)
(3) Wilful poisoning of food, drink or medicine, with intent to injure another. (Sec. 5642)
(4) Dueling. (Sec. 5648)
(5) Unlawfully and maliciously depriving a human being of a member of his body, or disabling, disfiguring or rendering it useless, or cutting or disabling the tongue, or putting out an eye, or slitting the nose, ear or lip. (Sec. 5633)
(6) Assault with intent to commit mayhem. (Sec. 5643)
(7) Wilfully and maliciously placing or throwing any corrosive acid upon the person of another, with intent to injure the flesh or disfigure the body. (Sec. 5657)
(8) Any unlawful obstruction of a railroad with intent to derail train. (Sec. 5640, amended Laws 1929, No. 42, Sec. 3, p. 232)
(9) An assault and battery committed with deadly weapons, under circumstances not amounting to intent to kill or maim. (Sec. 5664 [8])
(10) Assault and battery committed with premeditated design, and by use of means calculated to inflict great bodily injury. (Sec. 5664 [9])
(11) All attempts.

Omit

(1) Assault with intent to rape. [See Rape (2).] (Sec. 5643)
(2) Assault with intent to rob. [See Robbery (2).] (Sec. 5643)
(3) Assault with intent to commit any felony except murder, punishment for which is not otherwise prescribed. [See Burglary (4).] (Sec. 5644)
(4) Administering narcotic, etc., with intent to assist self or another to commit a felony. [See Rape (2), Robbery (2), Burglary (4).] (Sec. 5645)
(5) Death by dueling. [See Felonious Homicide (4).] (Sec. 5647)
(6) Death resulting from the wilful, ignorant or negligent operation of a steam boiler. [See Felonious Homicide (6).] (Sec. 5774)
(7) Injury or death caused by the unskillful or negligent operation of a railroad car, locomotive, automobile, train or steam boat used as a common carrier. [See Felonious Homicide (7).] (Sec. 5776, amended Laws 1916, No. 51, p. 105)
(8) Endangering life by the wilful, ignorant or negligent operation of a steam boiler in a manufactory, railway or other works. (Sec. 5773)
(9) Endangering life by the ignorant or negligent operation of any steamboat used for the conveyance of passengers. (Sec. 5775)
(10) Any act done by an intoxicated physician dangerous to the life of another. (Sec. 5641)
(11) Assault by a public officer under color of authority. (Sec. 5552)
(12) Officer guilty of wilful inhumanity or oppression toward any prisoner. (Sec. 5550)

(13) Challenging to duel, sending or receiving challenge, posting, neglect of officers to prevent, leaving Porto Rico to evade laws, etc. (Secs. 5648, 5649, 5650, 5651)
(14) The use of any unlawful violence upon another with intent to injure him, whatever be the means or degree of violence used. (Sec. 5659)
Note: Omit hereunder cases of physical injury other than enumerated under (1) to (11) above.
(15) Any attempt to commit a battery, or threatening gesture showing an immediate intention, coupled with an ability to commit a battery. (Sec. 5659)
(16) Assault upon an officer engaged in discharge of an official duty. (Sec. 5664 [1])
(17) Assault in a court, place of religious worship, or of innocent amusement. (Sec. 5664 [2])
(18) Assault in house of a private family. (Sec. 5664 [3])
(19) Assault by adult male on a female or child; or by adult female on a child; or on the aged or decrepit. (Sec. 5664 [4], [5])
(20) Assault by means inflicting disgrace, as by a whip, cowhide or cane. (Sec. 5664 [6])
(21) Assault and battery when a serious bodily injury is inflicted upon the person assaulted. (Sec. 5664 [7])
Note: Omit hereunder cases of physical injury other than enumerated under (1) to (11) above.

5. BURGLARY—BREAKING OR ENTERING

(1) Entering any house, room, apartment, tenement, shop, warehouse, store, stable, outhouse, or other building, tent, vessel or car with intent to commit grand or petit larceny, or any felony. (Sec. 5860)
(2) First degree: burglary committed in the night time. (Sec. 5861)
(3) Second degree: burglary committed in the day time. (Sec. 5861)
(4) Assault with intent to commit burglary. (Secs. 5644, 5645)
(5) All attempts.

Omit

(1) Possession or making of burglar's instruments and deadly weapons. (Sec. 5864)

6. LARCENY—THEFT (except auto theft)

(1) The felonious stealing, taking, carrying, leading or driving away the personal property of another. (Sec. 5878)
(2) Grand larceny: when the property taken is of value of $50 or more; when it is taken from the person of another; when it is a horse, mare, gelding, cow, steer, bull, calf, mule, jack or jenny. (Sec. 5880)
(3) Petit larceny: larceny in all other cases. (Sec. 5881)
(4) Public records or documents. (Sec. 5523)
(5) Evidence of debt or other written instrument. (Sec. 5886)
(6) Railroad or other passage ticket. (Sec. 5887)
(7) Gas or electricity by fraudulent connection of wires or pipes. (Sec. 5892)
(8) Water by fraudulent connection of pipe; from faucet; from flume or reservoir. (Secs. 5893, 5896, 5964)
(9) Obliterating marks on wrecked property, to prevent owner discovering identity. (Sec. 5766)
(10) Cutting out, altering or defacing marks on or falsely marking any log, lumber or wood, to prevent owner discovering identity. (Sec. 5767)
(11) Marking or branding or altering or defacing mark or brand of any horse, mule, bull, ox, steer, cow, calf, sheep, goat, hog,

shoat, pig, etc., of another, with intent thereby to steal same or prevent identification by true owner. (Sec. 5768)

(12) Converting real estate into personalty by severing same from the realty of another and stealing, taking and carrying away same. (Sec. 5884)

(13) Theft of fixture or part of the realty, severed at time of taking. (Sec. 5889)

(14) Property saved from fire. (Sec. 5894)

(15) Cutting or carrying away wood or timber standing or lying on lands of another or public lands; taking or carrying away earth, soil or stone from city lot, street or park, without permission. (Sec. 5971, [1], [2], [4], [5])

(16) All attempts.

Omit

(1) Appropriating lost property to own use. (Sec. 5885)

(2) Wilfully taking any bicycle, carriage, buggy, or other vehicle, rowboat, sailboat or other vessel, or any stallion, mare, gelding, etc., for *temporary* use and without consent of owner. (Laws 1912, No. 5, p. 40)

(3) Mortgagor taking or disposing of fixtures on mortgaged real property without consent. (Comp. of 1911, Sec. 5895)

7. AUTO THEFT

(1) Stealing or driving away and abandoning the motor vehicle of another. (No specific statute)

(2) All attempts.

Omit

(1) Wilfully taking any automobile, etc., for temporary use and without consent of owner. (Laws 1912, No. 5, p. 40)

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